

Article VI. Historic Preservation and Urban Design

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The City Council hereby recognizes that the City of San Antonio is internationally known for its beauty, friendliness, and historical significance. It is a noteworthy example of the confluence of diverse cultures in the New World. San Antonio is also uniquely blessed by its winding, meandering River. The River lends an incomparable quaintness and romantic charm especially to the central business district, a fact that has long made it one of our City's principal tourist attractions. San Antonio's unique qualities have proven increasingly attractive to residents, business interests, and tourists.

As a matter of public policy the Council aims to preserve, enhance, and perpetuate those aspects of the City and the San Antonio River having historical, cultural, architectural and archaeological merit. Such preservation promotes and protects the health, safety, prosperity, education, comfort, and general welfare of the people living in and visiting San Antonio. More specifically, this article is designed to achieve the following goals:

- To preserve, protect, and enhance historically, culturally, architecturally, and archaeologically significant sites and structures which impart a distinct aspect to the City and serve as visible reminders of the City's culture and heritage;*
- To promote the economic prosperity and welfare of the community by conserving the value of historic districts, landmark buildings, the River Walk, plus property and art owned by the City of San Antonio by encouraging the most appropriate use of such property within the City;*
- To recognize and protect the unique and distinctive character and qualities of the San Antonio River, as well as the sedate and vibrant atmosphere of the river and River Walk area, and its integral relationship to the City of San Antonio;*
- To preserve the ecoclimate of the San Antonio River and the River Walk, ensuring that existing and indigenous plant life is protected from unnecessary stress through shading by inappropriate construction, noise, excess water and drainage run-off, or other forms of pollution;*
- To strengthen civic pride through neighborhood preservation;*
- To recognize, protect and strengthen the unique design character of individual historic districts and individual areas of the City;*
- To provide a review process for the appropriate preservation and development of important historical, architectural, archaeological, and cultural resources;*
- To ensure the harmonious, orderly, and efficient growth and development of the City;*
- To maintain a generally compatible outward appearance of both historic and modern structures through complementary scale, form, color, proportion, texture, and material;*
- To establish the highest urban design standards for public property including public buildings and public spaces so that the evident public commitment to quality design encourages and inspires by example a corresponding commitment by the private sector; and*

- *To adopt criteria and procedures for data investigation and identification of resources as set forth in the City of San Antonio's Significant Resources Survey Report, adopted by City Council on April 14, 1983.*

(Ord. No. 98697 § 6)

Division 1 General

35-601 Purpose.

The purpose of this Article is to provide the standards and criteria for protection of the City's historic, cultural, archaeological and artistic resources.

35-602 Administration

(a) Notification of affected property owners

Prior to Historic and Design Review Commission consideration of any property for historic designation, or removing or upgrading the designation of historic, as it applies to a district or landmark, the Historic Preservation Officer shall send notice of the fact by mail to the owner or owners of affected property, stating reasons for recommendation. Upon passage of any ordinance designating as historic, or removing or upgrading the designation of historic, as it applies to a district or landmark, the City Clerk shall send notice of the fact by mail to the owner or owners of affected property. This action shall be in addition to notice given prior to public hearing as set forth under the City's Zoning Code.

(Ord. No. 98697 § 6)

(b) Recommendations of designation

Recommendations for landmark or historic district designation are made by the Historic and Design Review Commission to the City Council through the Zoning Commission. A request for historic district designation requires concurrence of a majority of the property owners within the district, while designation of an historic landmark requires concurrence of the property owner. Notwithstanding the foregoing, a request for landmark or historic district designation may be made by the City. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State Historic Landmarks or Sites, or State Archaeological Landmarks or Sites.

(Ord. No. 98697 § 6)

(c) Initiation

Requests for designation shall be made on a form obtained from the City Historic Preservation Officer. Completed request forms shall be returned in to the office of the City Historic Preservation Officer for processing. In the event the Historic and Design Review Commission does not recommend an applicant's request for designation of a resource, the applicant may petition the Zoning Commission for a hearing, following procedures set forth in § 35-421 of this Chapter (Zoning Amendments).

(Ord. No. 98697 § 6)

(d) Issuance of Certificates of Appropriateness or Other Permits

See Division 5 of Article 4 of this Chapter.

35-603 to 35-604 Reserved**Division 2 Historic Preservation**

This Division implements the following provisions of the Master Plan:

- *Preserve and enhance the City's historic resources (Urban Design, Goal 2)*
- *Promote the development of major public and private facilities which support the downtown neighborhood and historic resources (Neighborhoods, policy 5c).*
- *Create and adopt urban design guidelines and standards that will enhance the quality of life in San Antonio, and which specifically encourage ... preservation and enhancement of the City's important historic and cultural characteristics, including architectural styles and historic districts.*

35-605 Designation of Historic Districts**(a) Authority**

The City Council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts and certain places, buildings, objects, sites, structures, or clusters as exceptional or significant historic landmarks. Such districts shall bear the work "historic" in their zoning designation; such landmarks shall bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation. The procedure for designation shall be subject to notice as prescribed in Article 4 of this Chapter for a zoning amendment, and shall conform to the federal and state constitution.

(Ord. No. 98697 § 6)

(b) Processing Applications for Designation of Historic Districts**(1) Initiation**

Any person, the Historic Preservation Officer, the Historic and Design Review Commission, the Zoning Commission, the Director of Planning, or the City Council may initiate an historic district designation by filing an application with the Historic Preservation Officer. Requests for historic district designation must have the concurrence of the owners representing at least fifty-one (51) percent of the property or fifty-one (51) percent of the property owners located within the boundaries of the proposed historic district. Notwithstanding the foregoing, a request for historic district designation may be made by the City Council. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State Historic Landmarks or Sites, or State Archaeological Landmarks or Sites.

(2) Completeness Review

See § 35-402 of this Chapter. For purposes of this Section and § 35-402(c), the Historic Preservation Officer is the administrative official with original jurisdiction to review an application for completeness.

(3) Decision

The Historic Preservation Officer shall forward the Application to the Historic and Design Review Commission for a hearing and initial recommendation. The Historic Preservation Officer shall notify all property owners within a proposed historic district boundary prior to the Historic and Design Review Commission hearing on the historic district designation. The Historic and Design Review Commission shall make its recommendation, to be forwarded to the Zoning Commission within thirty (30) days from date of submittal of the designation request by the Historic Preservation Officer. Upon recommendation of the Historic and Design Review Commission, the proposed historic district designation shall be submitted to the Zoning Commission. The Zoning Commission and the City Council shall process the Application as prescribed in § 35-421 of this Chapter and this Section. The Zoning Commission shall schedule a hearing on the Historic and Design Review Commission's recommendation to be held within forty-five (45) days of receipt of the Historic and Design Review Commission's recommendation and shall forward its recommendation to the City Council. The City Council shall schedule a hearing to be held within forty-five (45) days of its receipt of the Zoning Commission's recommendation. The City Council shall review and shall approve or deny the proposed historic district.

(4) Criteria

Designations of historic districts shall be made considering criteria enumerated in § 35-607 of this division.

(5) Recordation

Upon designation of an area as an historic district, the City Council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, the House Numbering Section of the City of San Antonio's

35-605(b) continued

Department of Development Services, and on the City of San Antonio's official zoning maps. All zoning maps shall reflect all historic districts by inclusion of the prefix "H" to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.

(Ord. No. 98697 § 1; Ord. No. 98697 § 4 & 6)

(c) Historic districts previously designated by City Council

Any area heretofore designated by the City Council as an historic district under any pre-existing ordinance of the City of San Antonio shall be deemed an historic district under this ordinance and shall continue to bear the prefix "H" in its zoning designation.

(Ord. No. 98697 § 6)

(d) Historic District Guidelines

The City Council may, from time to time, designate specific guidelines for particular historic districts. Where such guidelines have been promulgated, the guidelines will be incorporated by reference in Appendix F to this Chapter. The designation shall include the formal name of the district, a legal description of the boundaries of the district, and a cross-reference to the design guidelines. Where such design guidelines have been adopted, no Application for Development Approval shall be approved unless the proposed development is consistent with the design guidelines. Proposed Developments shall comply with the design guidelines in addition to the criteria set forth in §§ 35-608 to 35-613 of this Chapter provided, however, to the extent that there is any inconsistency between a provision of §§ 35-608 to 35-613 and a design guideline, the design guidelines shall control. If no design guidelines have been adopted for an historic district, the Proposed Development shall conform to the criteria set forth in §§ 35-608 to 35-613 of this Chapter.

35-606 Designation of Historic Landmarks**(a) Applicability**

Requests for landmark designation may only be made by or with the concurrence of the property owner. Notwithstanding the foregoing, a request for landmark district designation may be made by the City Council. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State Historic Landmarks or Sites, or State Archaeological Landmarks or Sites.

(b) Designation of historic landmarks**(1) Initiation**

Any person, the Historic and Design Review Commission, Zoning Commission, the Director of Planning, the Historic Preservation Officer, or the City Council may initiate an historic landmark designation by filing an application with the Historic Preservation Officer

35-606(b) continued

(2) Completeness Review

See § 35-402 of this Chapter. For purposes of this Section and § 35-402(c), the Historic Preservation Officer is the administrative official with original jurisdiction to review an application for completeness.

(3) Decision

The Historic Preservation Officer shall refer an application for historic landmark designation to the Historic and Design Review Commission. Property owners of proposed historic landmarks shall be notified by certified mail with return receipt requested prior to a Historic and Design Review Commission hearing for historic landmark designation. The Historic and Design Review Commission shall make its recommendation, to be forwarded to the Zoning Commission within thirty (30) days from date of submittal of designation request by the Historic Preservation Officer. The recommendation shall be made by a two-thirds (2/3) vote of the Commission. Upon submittal of the Historic and Design Review Commission's recommendation, the proposed historic landmark designation shall be submitted to the Zoning Commission for its review and recommendations. Upon recommendation of the Historic and Design Review Commission, the proposed historic district designation shall be submitted to the Zoning Commission. The Zoning Commission and the City Council shall process the Application as prescribed in § 35-421 of this Chapter and this Section. The Zoning Commission shall schedule a hearing on the Historic and Design Review Commission recommendation to be held within forty-five (45) days of receipt of such recommendation and shall forward its recommendation to City Council which shall schedule a hearing to be held within forty-five (45) days of Council's receipt of such recommendation.

(4) Criteria

Designations of exceptional and significant historic landmarks shall be made considering criteria enumerated in § 35-607 of this division.

(5) Recordation

Upon designation of a building, object, site, structure, or cluster as an exceptional or significant historic landmark, the City Council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, the House Numbering Section of the City of San Antonio's Department of Development Services, and on the City of San Antonio's official zoning maps. Still further, for purposes of clarity in the zoning designation of property, all zoning maps shall reflect exceptional and significant historic landmarks or property in historic districts by inclusion of the words "historic, exceptional" (HE) or "historic, significant" (HS) as a prefix to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.

(Ord. No. 98697 § 1; Ord. No. 98697 § 4 & 6)

(c) Resources not designated by initial ordinance**(1) Previously inventoried resources**

Resources previously inventoried by the Historic and Design Review Commission but not rated due to age, shall be reviewed upon reaching twenty-five (25) years of age by the Commission applying criteria

35-606(c) continued

set forth in § 35-607 to determine significance if any. When a resource is found to meet criteria for an exceptional or significant rating, the Historic and Design Review Commission at that time shall recommend through the Zoning Commission to City Council the designation of such resources following the procedures set forth in subsection (a) of this Section. Resources listed on federal, state or city inventories, but unrated by the Historic and Design Review Commission shall be identified in City records.

(2) Uninventoried resources

As required under the Certified Local Government (CLG) program of the National Park Service and the Texas Historical Commission, the Historic and Design Review Commission on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the City to determine cultural, architectural, historical, or archaeological significance, applying the criteria of § 35-607. For such inventories, the Commission shall rate the resources as exceptional, significant, not significant or not rated. Those buildings, objects, sites or structures found by the Board to meet the criteria for exceptional or significant landmarks shall be recommended for designation following the procedures in subsection (a) of this Section.

(3) Other resources

If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the Historic Preservation Officer, following an initial investigation of the resource, shall refer the matter to the Historic and Design Review Commission for a detailed study, review, and official determination of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this ordinance.

(Ord. No. 98697 § 6)

(d) Historic landmarks previously designated by City Council.

All buildings, objects, sites, structures, or clusters heretofore designated by the City Council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated exceptional historic landmarks under this ordinance and shall continue to bear the word "historic" (H) in their zoning designation.

(Ord. No. 98697 § 6)

(e) Other landmarks and districts previously designated

All National Register Districts or Landmarks, State Historic Landmarks or Sites, or State Archaeological Landmarks and Sites shall be accorded the protection of properties designated exceptional historic landmarks and districts.

(f) Use of property designated historic

Nothing contained in this article or in the designation of property as being a historic landmark or in a historic district shall affect the present legal use of property. Use classifications as to all such property

35-606(f) continued

shall continue to be governed by the general zoning ordinance of the City of San Antonio and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, relocation, or alteration of historic landmarks or of any buildings or structures in a historic district so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this article. No provision herein shall be construed as prohibiting a property owner from continuing to use property for a Nonconforming Use.

(g) Removal of designation

Upon recommendation of the Historic and Design Review Commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under subsection (a) of this Section may be removed by City Council following recommendation by the Historic and Design Review Commission.

(Ord. No. 98697 § 6)

(h) Changes in evaluation

The Historic and Design Review Commission may reconsider a previous evaluation of a resource if additional data is provided and a new evaluation is made using the criteria set forth herein. When such a resource meets the criteria for significant or exceptional based on all documentation provided, the Historic and Design Review Commission may recommend a change in designation. Following the same procedures set forth herein in subsection (a) of this section for designation, the City Council may change a designation upon recommendation of the Historic and Design Review Commission.

(Ord. No. 98697 § 6)

35-607 Designation Criteria for Historic Districts and Landmarks**(a) Process and criteria for considering designation of historic districts and landmarks**

- (1) The first step in the designation process is to apply the criteria which follow standards set forth by federal, state, and City regulations for evaluating cultural properties. These criteria are to assure that resources are preserved through restoration and adaptive use and to provide that conservation and development interests can consider resources early in the planning process.
- (2) The criteria applied to evaluate properties for inclusion in the National Register Designation Guidelines shall be followed as a guide for evaluating cultural resource properties.
- (3) The criteria applied to evaluate properties for inclusion in the National Register Designation Guidelines shall be applied for evaluating the designation of historic districts and historic landmarks, substituting the importance of the resource to San Antonio and Texas rather than the importance to the nation as a whole. As with federal regulation, these criteria are intentionally worded to provide for the diversity of historic resources within the City.

(Ord. No. 98697 § 6)

(b) Initial Evaluation

To qualify for **initial evaluation** of an historic district or landmark, at least one of the following criteria shall be met:

- (1) Its value as a visible reminder of the cultural heritage of the community, or national event;
- (2) Its location as a site of a significant local, county, state, or national event;
- (3) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;
- (4) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;
- (5) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (6) Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;
- (7) Its unique location or singular physical characteristics that make it an established or familiar visual feature;
- (8) Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;
- (9) Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; and
- (10) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

(c) Final Evaluation

When one or more of the above criteria is met, the second step in the designation process shall consider the following criteria:

(1) For architectural and historic resources:

- A. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;
- B. Properties which are determined to contribute to a San Antonio historic district;

35-607(c) continued

- C. Buildings, objects or structures which constitute a particular or unique example of an architectural type or historic period;
- D. Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by or internationally known architects or master builders and important works by minor ones; and
- E. Resources associated with family persons important to the history of San Antonio.

(2) For cultural resources:

- A. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years;
- B. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;
- C. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
- D. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period; and
- E. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines.

(3) Significant to the environment of the City.

- A. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
- B. Unrelated structures that represent an historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
- C. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the City and related to a specific location;

35-607(c) continued

- D. Resources that contribute significantly to the historic character of the scene, reinforcing the architectural value of a more important structure or resource;
- E. Resources and structures which establish a neighborhood identity by creating a continuity within a area by reinforcing a cluster or significant buildings or the river scene; and
- F. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.

(Ord. No. 98697 § 6)

35-608 *Criteria for Certificate of Appropriateness - Generally*

In reviewing an application for a certificate of appropriateness, the Historic and Design Review Commission shall consider the current needs of the property owner. The Historic and Design Review Commission shall also consider whether the plans will be reasonable for the property owner to carry out.

35-609 Criteria for Certificate of Appropriateness - New construction

In considering whether to recommend approval or disapproval of an application for a certificate for new construction in an historic district, the Historic and Design Review Commission shall be guided by the National Park Service (NPS) Guidelines and by the compatibility standards set forth below. In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face both a street and the San Antonio River, the Historic and Design Review Commission shall consider the visual compatibility standards below with respect to each facade.

(a) Site and setting

Where an historic resource is intended to be used as any part of a development, the developer shall consider the context of the resource's original site and the importance of the setting in the new development. In some instances, a resource will occupy the full site and limit development opportunities to rehabilitation, renovation or restoration for adaptive reuse. In instances where a resource occupies less than a full site, greater flexibility will be available for new development that incorporates the resource into the project.

**(b) Building height and massing**

The purpose of the following standards are to ensure that:

- (1) Height at street level is visually compatible with adjacent buildings;
- (2) The apparent physical size, scale and height relates to existing resources without overwhelming them;
- (3) New buildings reflect contemporary design standards while using elements that relate to the existing structures that surround the new structure; and
- (4) Building height, width, mass and proportion affect the degree of compatibility between the old and the new.

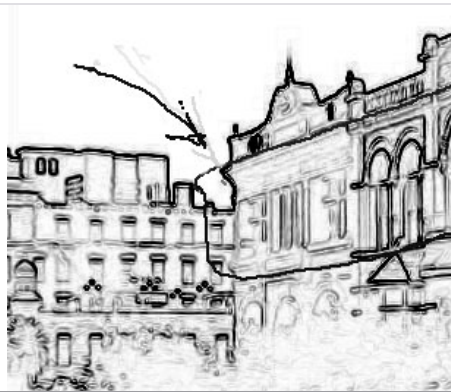
(1) Massing

New buildings shall conform in building height and massing to surrounding structures, as follows:

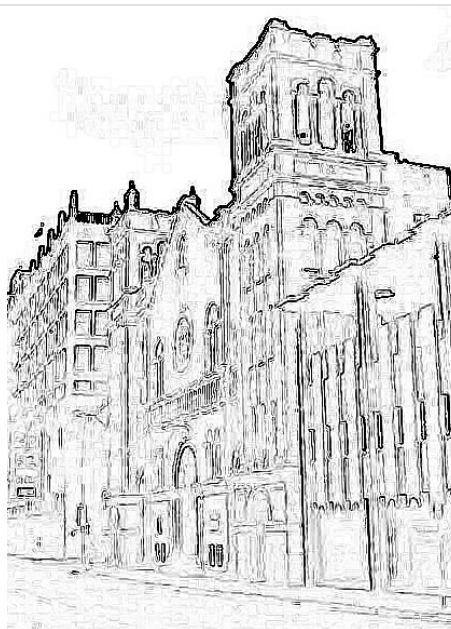
35-609(b) continued

PROPORTION OF WINDOWS, BAYS, AND DOORWAYS.

Windows, porches, entryways, dormers, bays, pediments and doors shall be similar to adjacent contributing buildings. They shall be "similar" if (1) they vary no more than twenty-five percent (25%) in size and (2) maintain a similar height to width ratio that varies not more than ten percent (10%) from adjacent buildings.

**PROPORTION OF PRIMARY FACADE.**

The size of facades facing the public right-of-way are similar in area and height to width ratios. The size of the facade shall be considered "similar" if the proposed facade does not vary by more than thirty percent (30%) in circumference area from any adjoining façade. If this standard cannot be met because of the variation in size of two adjoining facades, the proposed building shall not vary by more than thirty percent (30%) from one of the adjoining facades, at the discretion of the applicant, if both adjoining facades are appurtenant to contributing properties. If only one adjoining façade is appurtenant to a contributing property, it shall take precedence. Facades immediately across the public right of way shall be considered "adjoining."



DESIGN OF THE PRIMARY FAÇADE.

The primary façade, in keeping with established patterns, shall have three (3) articulated architectural parts: a base, a middle, and a cap. The proportion of these three elements will vary depending on the scale of the building.

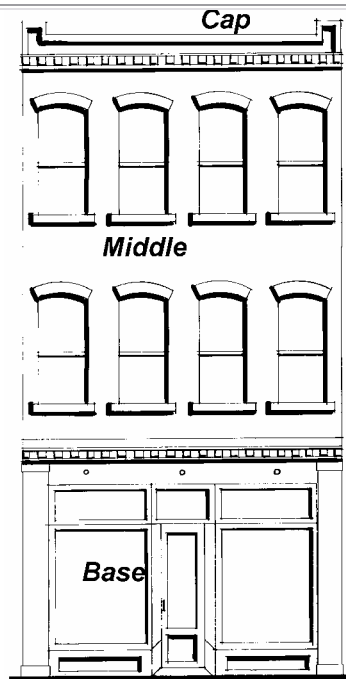


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LOCATION AND TREATMENT OF ENTRYWAY.

At least one entry way shall be provided along the front façade. Placement of entryways shall be similar to adjacent buildings. Entryways shall be considered "similar": (1) if they are placed in the relatively same position as adjacent buildings (centered, right, left) or in the case of multiple entrances they match similar patterns in spacing – not to exceed a thirty percent (30%) variation; and (2) are the same size or within thirty percent (30%) of adjacent entries; and (3) maintain similar height to width ratios not to exceed twenty five percent (25%) difference.



BUILDING HEIGHT.

Building height and configuration shall be compatible with the existing established scale in the immediate vicinity. If there is no more than a 50% variation in the scale of buildings on the adjacent block faces, the height of the new building shall not exceed the tallest building on the adjacent block face by more than ten percent (10%). If an existing pattern of building scale exists, such as tall buildings on the corners and shorter buildings in between, new construction shall conform to the established pattern.

**(c) Street Level Floor Areas**

The purpose of this subsection is to ensure that the width and height of windows, doors, and entries are visually compatible with buildings, structures, public ways, and places in the surrounding area.

(1) Applicability

The provisions of this subsection shall apply only to commercial properties.

(2) Blank Walls

No facade shall exceed forty (40) feet which is not penetrated by windows or entryways provided, however, that facades may exceed forty (40) feet without windows or entryways if they are divided into smaller bays which are compatible with the rhythm and scale of the facades adjoining the lot on the same side and opposite sides of the block. Said bays shall be considered "compatible" with the rhythm and scale of surrounding buildings if it does not exceed by more than thirty percent (30%) the average frontage of lots on the same side or opposite side of the block.

(3) Street Access

Street-level floor areas shall have direct access to the street or an arcade opening to the street;

(4) Fenestration

The building wall facing the street shall have at least fifty percent (50%) of the street-level façade area devoted to display windows/and or windows affording views into the interior areas. Windows shall be in similar proportion (height to width ratio) to adjacent contributing buildings, or with established patterns in the adjoining block faces. The windows shall have kick-plates below the display windows and transoms above the windows if that is the established pattern on the block face.

(d) Relationship of solids to voids

In order to ensure that the relationship of solid spaces (i.e., walls) to voids (i.e., windows/doors) in the front facade of a building or structure shall be visually compatible with buildings, structures, public ways in the environment surrounding the building, the following criteria shall apply:

- (1) The horizontal elements of new buildings, including window sills, moldings and midblock cornices, shall align with similar elements on adjoining buildings.
- (2) Windows shall maintain a similar proportion of width to height as windows on surrounding buildings.

Elements of adjoining buildings or windows shall be considered "similar" if they vary not more than three (3) feet in the vertical direction.



Alignment of horizontal elements

(e) Relationship of materials, texture, and color

The relationship of materials, texture and color of the facade of a building or structure shall conform to the predominant materials used in existing buildings or structures on the same block.

(f) Roof shapes

The roof shape of a building or structure is a major distinguishing visual element. The structure shall incorporate a simple roof similar in form and type as those in the adjacent structures.



Simple Roof Shapes

(g) Streetwalls / Urban Edge

- (1) The purpose of this subsection is to ensure that appurtenances of a building or structure such as walls, fences, and landscape masses should, when it is the nature of the environment, form streetwalls, or cohesive walls of enclosure along a street, to insure visual compatibility with the buildings, structures, public ways, and places to which such elements are visually related.

**Streetwall**

- (2) In order to establish patterns of spacing within the immediate block face, the spacing between primary facades within an existing block face shall be similar. If few enough buildings exist to establish a pattern in the immediate block face, the block face pattern shall be established from the adjoining block faces. Block faces adjacent or immediately across the public right of way (street, plaza or river) shall be considered "adjoining." The spacing shall be considered "similar" if the spacing does not vary more than thirty percent (30%) of the average distance between existing facades along the same block face or adjoining block faces.

(h) Signage

Signs shall conform to Chapter 28 of the City Code and § 31-612 of this Chapter. Materials shall conform to those used for signs during the period of the building's construction, such as wood, wrought iron, steel, aluminum, and metal grill work. Newer materials such as plastic shall not be used. Signs shall be restricted to the following types, as defined in Chapter 28 of the City Code: Temporary Signs, Wall Signs, Window Signs, Projecting Signs, Awning Signs, Canopy Signs, or Marquee Signs. Pole Signs and Billboards shall not be erected in a Historic District. Signs shall not be erected above the cornice line or uppermost portion of a façade wall. Signs shall not disfigure or conceal architectural details.

(i) Awnings and canopies

The primary purpose of an awning shall be to provide shade and weather protection to pedestrians.

(1) Size and shape

Awnings shall be proportionate in shape and size to the scale of the building facade to which it will be attached. On historic landmarks or on elder buildings, awnings shall be historically appropriate in design and materials.

(2) Materials and lettering

Permitted materials for fabric awnings are fire resistant canvas or metal canopies. Lettering on fabric awnings shall be permitted on the front flap only of the awning in a manner proportional to the awning size, but not to exceed one-half the area of the front flap. Symbols or logos may be allowed on the top of the awning not to exceed one-sixth of the square footage of the top of the awning. No internally illuminated awnings that glow are permitted provided, however, that illumination may be concealed in the awning to provide directional light to illuminate sidewalks or storefronts.

(j) Accessory Uses

Accessory uses shall not be permitted in the front yard. The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designed with the overall environment in mind and should be in visual keeping with related buildings, structures and places.

35-610 Alteration, restoration, and rehabilitation

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure designated an historic landmark or located in a historic district, the Historic and Design Review Commission shall be guided by the NPS Guidelines in addition to any specific design guidelines included in this subdivision.

- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
- (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance are prohibited.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing

35-610 continued

architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic buildings materials shall not be undertaken.
- (h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (j) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

35-611 Ordinary repair and maintenance

Those activities which constitute ordinary repair and maintenance include but are not restricted to:

- (a) Repair using the same material and design as the original;
- (b) Repainting, using the same color;
- (c) Reroofing, using the same type and color of material; and
- (d) Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

35-612 Signs and billboards**(a) General provisions.**

All signage within an historic district or on a designated historic landmark shall conform to all City Codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate application

35-612(a) continued

and recommendation to the Director of Planning. Signs should respect and respond to the historic character and period being preserved.

(Ord. No. 98697 § 6)

(b) Proportion of signs

For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.

(c) Number and size of signs

- (1) For buildings housing one business or service, one (1) major sign per facade per structure and two (2) minor signs shall be permitted in historic districts and on designated historic landmarks.
- (2) For buildings housing more than one business or service, the Historic and Design Review Commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet. The applicant is strongly advised to coordinate his signage plan with signage plans of other building tenants. It is also recommended that the building owner or his agent develop a master signage plan or signage guidelines for the total building or property.
- (3) For buildings located in an historic district and for all designated landmarks, the total area of signage shall not exceed thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet. However, in cases where the applicant clearly demonstrates need for additional signage, the Historic and Design Review Commission, keeping in mind the facade's proportions, may approve additional signage.

(d) Prohibited signs

- (1) Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within historic districts or on historic landmarks. Other signs which shall not be permitted within historic or on historic landmarks include:
- (2) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;
- (3) Any sign which advertises commercial off-premises businesses, products, activities, services, or events;
- (4) Any sign which does not identify a business or service within the historic district or historic landmark;

35-612(d) continued

- (5) Any sign which is abandoned for more than six (6) months or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- (6) Any attachment to an already affixed sign which does not meet the provisions of the City Code;
- (7) Roof mounted signs, except in the cases of landmark signs or unless approved by the Historic and Design Review Commission in accordance with standards set forth in subsection (b) of this section.
- (8) Pole signs, as defined in Chapter 28 of the City Code.

(e) Incidental signs

Allowable incidental signs, including sign designating business hours and street numbers, shall conform to standards outlined in this article and shall not be included in the total allowable per facade per structure.

(f) Menu boards

Menu boards shall not exceed nine (9) square feet. Permanently displayed menus may be properly installed inside the business' window or in a Historic and Design Review Commission approved wall-mounted or freestanding display case adjacent to the business entrance.

(g) Special purpose signs

All special purpose signs shall be approved by the Historic and Design Review Commission and shall be removed within thirty (30) days from the date of Historic and Design Review Commission approval unless otherwise specified by the Historic and Design Review Commission. If within the specified period the property owner feels there is a continued need for the special purpose sign, he or his representative shall schedule a hearing with the Historic and Design Review Commission to request additional display time.

(h) Construction signs

One (1) construction sign, not to exceed thirty-two (32) square feet in area, shall be allowed per construction site.

(i) Nongovernmental banners, pennants and flags

Excluding flags included as elements of an overall streetscape or design plan, non-governmental banners, pennants and flags are considered special purpose signs under the provisions of this article and are appropriate for advertising and decoration only during special events or celebrations. No permanent advertising may be handled in this way.

(j) Promotional signs

Promotional signs not exceeding six (6) square feet advertising special events or promotions may be properly placed only on the inside of windows; such signs shall be removed promptly after an event is over. No off-premises events may be advertised in this manner; all off-premises advertising must be displayed where it is not visible from the public right-of-way.

(k) Noncommercial speech signs

Noncommercial speech signs including but not limited to public service announcements may be erected in historic districts following approval by the Historic and Design Review Commission provided all regulations in this article are met.

(l) Real estate signs

Residential real estate signs less than six (6) square feet in area and commercial real estate signs less than twenty (20) feet in area do not require Historic and Design Review Commission approval.

(m) Temporary signs

Temporary signs shall be subject only to the provisions of Chapter 28 of the City Code.

(n) Installation

Commercial signs, posters, decals or advertisements may not be tacked, nailed, pasted, or taped to any portion of a building, object, site or structure visible from the public right-of-way.

(o) Violations

In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the Department of Development Services shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the Department of Development Services may file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the City Attorney from seeking civil remedies.

(Ord. No. 98697 § 4 & 6)

(p) Standards for sign design and placement

In considering whether to recommend approval or disapproval of an application for a permit to construct or alter signage on a building, object, site, or structure designated a historic landmark or located in an historic district, the Historic and Design Review Commission shall be guided by the following standards in addition to any specific design guidelines included within this subdivision.

- (1) Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall historic characteristic of the district and structure.

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- (2) Signs, visual displays or graphics shall either relate to the historic district or advertise a bonafide business conducted in or on the premises.
- (3) The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage per facade per structure. In buildings housing more than one business, the Historic and Design Review Commission may recommend directory signage. In the cases of signs with more than one sign face, including but not restricted to double-faced signs, back-to-back signs, overhanging signs, and projecting signs, each side of the sign shall be included in total allowable signage area.
- (4) Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap access" signs, as well as government signs, shall be reviewed by the Historic and Design Review Commission but shall not be included in total allowable signage area. Emergency signs shall be exempt from Historic and Design Review Commission approval.
- (5) All graphic elements shall reinforce the architectural integrity of any building. Signs should not disfigure, damage, mar, alter, or conceal architectural features or details and should be limited to sizes which are in scale with the architecture and the streetscape. Emblems and symbols of identification used as principal structural or architectural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved by the Historic and Design Review Commission. The Historic and Design Review Commission shall be guided by the building's proportion and scale when such elements are incorporated.
- (6) Graphics and signage may be illuminated by indirect, internal, or bare-bulb sources, providing that Glare is not produced; by indirect light sources concealed by a hood or diffuser; by internal illumination with standard opal glass or other translucent material or with an equal or smaller light transmission factor. All illumination shall be steady and stationary. Neon lighting shall be permitted when used as an integral architectural element or artwork appropriate to the site. For purposes of this subsection, "Glare" shall mean an illumination level of at least six (6) Lux at the property boundary.
- (7) All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be kept free of all sign materials, weeds, debris, trash, and other refuse. In addition, the sign owner shall comply with the provisions of this article as well as all other pertinent City Code and ordinances.
- (8) Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status.

35-613 Relocation of a landmark or property located in an historic district

In considering whether to recommend approval or disapproval of a certificate application to relocate a building, object or structure designated an historic landmark or located in an historic district, the Historic and Design Review Commission shall be guided by the following considerations:

- (a) The historic character and aesthetic interest the building, structure or object contributes to its present setting;
- (b) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
- (c) Whether the building, structure, or object can be moved without significant damage to its physical integrity;
- (d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, object, or structure.

35-614 Demolition

Demolition of an historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the City's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

(a) Applicability

The provisions of this section apply to any application for demolition of an historic landmark or an historic district.

(1) Exceptional historic landmark

No certificate shall be issued for demolition of an exceptional historic landmark unless the applicant demonstrates to the satisfaction of the Historic and Design Review Commission clear and convincing evidence that an unreasonable economic hardship would be imposed on the applicant if the application for a certificate is disapproved.

(2) Significant historic landmark

No certificate shall be issued for demolition of a significant historic landmark unless the applicant demonstrates to the satisfaction of the Historic and Design Review Commission a preponderance of evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in the case

35-614(a) continued

of a significant historic landmark, the applicant may provide to the Historic and Design Review Commission additional information which may show unusual and compelling circumstances in order to receive a Historic and Design Review Commission recommendation for a certificate for demolition of the significant historic landmark.

(3) Entire historic district

If the applicant wishes to demolish an entire designated historic district, he has to provide to the satisfaction of the Historic and Design Review Commission clear and convincing evidence of economic hardship on the applicant if the application for a certificate is to be approved.

(4) Property located in historic district and contributing to district although not designated a landmark

No certificate shall be issued for property located in historic district and contributing to the district although not designated a landmark unless the applicant demonstrates to the satisfaction of the Historic and Design Review Commission a preponderance of evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide to the Historic and Design Review Commission additional information which may show unusual and compelling circumstances in order to receive a Historic and Design Review Commission recommendation for a certificate for demolition of the property.

(b) Unreasonable economic hardship

(1) Generally

The Historic and Design Review Commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project.

(2) Burden of Proof

When a claim of unreasonable economic hardship is made due to the effect of this article, the owner must prove that he cannot realize a reasonable rate of return upon the value of his property.

(3) Criteria

The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the Historic and Design Review Commission. The Historic and Design Review Commission shall apply the test utilized by the Supreme Court of Texas in construing Article I, Sec. 17 of the Constitution of the State of Texas, 1876, as amended, in determining the existence of an unreasonable economic hardship. The owner shall submit by affidavit to the Historic Preservation Officer for transmittal to a constituted committee of the Historic and Design Review Commission for evaluation and recommendation to the full Historic and Design Review Commission at least the following information:

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- A. The assessed value of the land and improvements thereon according to the two (2) most recent assessments, including any appeal adjusting value temporarily;
- B. Real estate taxes for the previous five (5) years;
- C. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;
- D. Annual debt service, if any, for the previous five (5) years;
- E. All appraisals obtained within the previous five (5) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- F. Any listing of the property for sale or rent, price asked and offers received; if any;
- G. Any consideration by the owner as to profitable adaptive uses for the property;
- H. Replacement construction plans for the landmark in question;
- I. Financial proof of the ability to complete the replacement project which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution;
- J. The current fair market value of the property, as determined by at least two independent appraisals made by appraisers with competent credentials.

(4) Additional Criteria for Income Producing Properties

In addition, if the property is income producing:

- A. Annual gross income from the property for the previous five (5) years;
- B. Itemized operating and maintenance expenses for the previous five (5) years, including proof that adequate and competent management procedures were followed;
- C. Annual cash flow, if any, for the previous five (5) years; and
- D. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.

(5) Low-Income Homeowners

When an low-income resident homeowner is unable to meet the requirements set forth in this section, then the Historic and Design Review Commission, at its own discretion, may waive some or all of the required information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the Historic and Design Review Commission cannot make a

35-614(b) continued

determination based on information submitted and an appraisal has not been provided, then the Historic and Design Review Commission shall request that an appraisal be made by the City.

(Ord. No. 98697 § 6)

(c) Unusual and compelling circumstances and demolition of a significant historic landmark

When an applicant fails to prove unreasonable economic hardship in the case of a significant historic landmark, the applicant may provide to the Historic and Design Review Commission additional information which may show unusual and compelling circumstances in order to receive Historic and Design Review Commission recommendation of approval of the certificate as to the demolition of the significant historic landmark. The Historic and Design Review Commission, using criteria set forth in this article, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- (1) The historic or architectural significance of the building, object, site, or structure;
- (2) The importance of the building, object, site, or structure to the integrity and character of an historic district;
- (3) The importance of the building, object, site, or structure to as part of a cluster within the historic district;
- (4) The difficulty or the impossibility of reproducing such a building, object, site, or structure because of its design, texture, material, detail, or unique location;
- (5) Whether the building, object, site, or structure is one of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;
- (6) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area as outlined in § 35-803(b) of this chapter as well as the economic impact of the new development;
- (7) Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect; and
- (8) Whether reasonable measures can be taken to relocate the building, object, structure to a new site.

For property located within an historic district, the Historic and Design Review Commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

35-615 Prevention of demolition by neglect**(a) Applicability**

All historic landmarks and all buildings, objects, sites, and structures found to have historical significance or located in an historic district shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person or persons who may have legal custody and control thereof. The owner or other person having such legal custody and control, in keeping with the City's minimum housing standards, shall repair such building, object, site, or structure if it is found to have any of the following defects:

(1) Deteriorated or inadequate foundation

Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;

(2) Members of Walls

Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

(3) Members of Ceilings/Roofs

Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(4) Fireplaces/chimneys

Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

(5) Weather protection

Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering. Any fault or defect in the building which renders same structurally unsafe or not properly watertight.

(Ord. No. 98697 § 6)

(b) Compliance with Housing Codes

In addition, the owner or other person having legal custody and control of an historic landmark or a building, object, site, or structure located in an historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City's minimum housing codes and ordinances.

(Ord. No. 98697 § 6)

(c) Enforcement

- (1) The Historic and Design Review Commission, on its own initiative, may file a petition with the Director of Code Compliance requesting that he proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this article and the public safety and housing ordinance.
- (2) If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard and the owner thereof shall have received two (2) or more notices from the Director of Code Compliance of building neglect in violation of this and other City ordinances, no application for a permit for a project on the property may be considered for a period of two years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a City Office during this period.

(Ord. No. 98697 § 6)

35-616 Treatment of site following demolition

Following the demolition or removal of a historic landmark, a building, object or structure found eligible for landmark designation, or a building, object, or structure located in an historic district, the owner or other person having legal custody and control thereof shall (1) remove all traces of previous construction, including foundation, (2) grade, level, sod and seed the lot to prevent erosion and improve drainage, and (3) repair at his own expense any damage to public rights-of-way, including sidewalks, curbs and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

35-617 Public safety hazards and emergency securing measures

- (a) No structure designated a landmark or located within an historic district may be demolished in whole or in part as a hazard to public safety until the Historic Preservation Officer has been notified by the appropriate municipal official that an order for such demolition is being prepared, and the Historic and Design Review Commission has had an opportunity to discuss with City Officials the feasibility of emergency measures to secure the structure in such a manner as to preclude the possibility of injury to the public.

(Ord. No. 98697 § 6)

- (b) After emergency measures are undertaken, the City Historic Preservation Officer shall meet with the municipal officials wishing to issue the order for demolition to review the condition of the structure and the development of plans for its rehabilitation. If after one (1) month no feasible scheme for the further protection of the structure has been developed, the Historic and Design Review Commission shall make a recommendation for an order for demolition. When applicable,

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a recommendation about the feasibility of rehabilitation shall be made by the Historic and Design Review Commission based upon a report from the City Historic Preservation Officer and after consultation with the City Attorney's Office.

(Ord. No. 98697 § 6)

35-618 Tax Exemption Qualifications**(a) Assessed Valuation**

In accordance with the provisions of this article, a building, site, or structure which meets the definition of an historically significant site in need of tax relief to encourage preservation and which is substantially rehabilitated and/or restored as certified by the Historic and Design Review Commission and approved by the City Tax Assessor-collector, shall have an assessed value for ad valorem taxation as follows:

- (1) A residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.
- (2) A commercial property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.

(Ord. No. 98697 § 6)

(b) Applicability

This exemption shall begin on the first day of the first tax year after verification of completion of the preservation required for certification; provided:

- (1) The building shall comply with the applicable zoning regulations for its use and location; and
- (2) The deed, grant, sale, bequest, devise or otherwise transfer of ownership in the property, except the donation of an historic easement on an exempt structure which donation shall qualify as a charitable contribution under Section 170(f)(3) of the Internal Revenue Code and its regulations as now exist or as they may hereafter be amended, shall cause the exemption provided herein to terminate on the last day of the tax year on which such transfer occurs.

(c) Application

Application for an historic structure preservation tax exemption pursuant to this division is to be filed with the Historic and Design Review Commission. The Historic and Design Review Commission shall be the agent of the City for the purposes of administering this division. Each application shall be signed and sworn to by the owner of the property and shall:

35-618(c) continued

- (1) State the legal description of the property proposed for certification.
- (2) Include an affidavit by the owner describing the historic significance of the structure in need of tax relief;
- (3) Include a final complete set of plans for the historic structure's restoration or rehabilitation;
- (4) Include a statement of costs for the restoration or rehabilitation work;
- (5) Include a projection of the estimated construction, time and predicted completion date of the historic restoration or rehabilitation;
- (6) Authorize the members of the Historic and Design Review Commission, the City Tax Assessor-Collector and City Officials to visit and inspect the property proposed for certification and the records and books of the owners as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;
- (7) Include a detailed statement of the proposed use for the property; and
- (8) Provide any additional information to the Historic and Design Review Commission which the owner deems relevant or useful such as the history of the structure or access to the structure by the public.

Each application shall contain sufficient documentation confirming or supporting the information submitted therein.

(Ord. No. 98697 § 6)

(d) Certification

(1) Historic and Design Review Commission Certification

Upon receipt of the sworn application, together with a fee as specified in Exhibit C of this chapter, the Historic and Design Review Commission shall make an investigation of the property and shall certify the facts to the City Tax Assessor-Collector within thirty (30) days along with the Historic and Design Review Commission's documentation for approval or disapproval of the application for exemption.

(2) Tax Assessor-Collector Approval

Upon receipt of the certified application for tax exemption as well as the recommendation of the Historic and Design Review Commission, the City's Tax Assessor-Collector shall within thirty (30) days approve or disapprove eligibility of the property for tax relief pursuant to this division. In determining eligibility, the tax assessor-collector shall first determine that all the requirements of this division have been complied with and that only the historic structure and the land reasonably necessary for access and use thereof is to be provided favorable tax relief.

(Ord. No. 98697 § 6)

(e) Verification of completion

Upon completion of the restoration and rehabilitation, the certified applicant shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the Historic and Design Review Commission. The Historic and Design Review Commission, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall approve or disapprove the fact that the property has been substantially completed as required for certification. If the Historic and Design Review Commission determines that it has not been substantially completed as so required, then the certified applicant shall be required to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the Historic and Design Review Commission shall notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption.

(f) Historic preservation tax exemptions**(1) Historic preservation tax exemption for residences in need of substantial repair.**

In accordance with the provisions of this ordinance, a historically significant residential building, which meets both the definitions of a historically significant site in need of tax relief to encourage preservation and of a residential property in Appendix A of this Chapter, and is either individually designated or is located within the boundaries of a locally designated historic district, which is substantially rehabilitated and is approved by the Chief Appraiser of the Bexar County Appraisal District, shall have an assessed value for ad valorem taxation as follows:

- A. A residential property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification, as defined in Appendix A to this Chapter. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.
- B. This exemption shall begin on the first day of the first tax year after verification of completion of the substantial rehabilitation by the Historic and Design Review Commission, provided compliance with subsection (b) of this Section.

(2) Historic preservation tax exemption for new historic districts.

- A. Homeowners in new historic districts. For properties located within a historic district designated by the City Council after October 1, 2000, all residential properties occupied by the property owner will qualify for an ad valorem tax credit amounting to twenty (20) percent of the assessed City of San Antonio ad valorem property tax. This tax exemption shall begin on the first day of the first tax year after designation of the historic district and will extend for a total of ten (10) tax years. This tax exemption does not apply to properties within a historic district designated by the City Council prior to October 1, 2000 or to properties located within the San Antonio Commercial Business District (CBD).

Comment: Page: 31
If only for owner-occupied buildings
then most commercial buildings
would not qualify

35-618(f) continued

- B. Long-time resident extension. For owners of residential properties located within a local historic district designated by the City Council after October 1, 2000 who can show proof of continuous permanent residence, as defined in this article, ten (10) tax years after designation, at a residence within the district for the period beginning on the day of official designation for the district through the same date ten (10) years later, the property owner will qualify for an additional five-year use of the property tax exemption that allows for a twenty (20) percent tax exemption. Therefore, the tax exemption will apply for a total of fifteen (15) tax years from the date of designation. If the property owner moves to a different residence during the life of the credit, even to one located within the historic district, then the exemption is automatically terminated.

(3) Historic preservation tax exemption for substantially rehabilitated rental properties.

Owners of a substantially rehabilitated designated historic landmark, either individually designated or by location within a local historic district, that lease forty (40) percent or greater of all rental units to low-income tenants, as defined by the United States Housing and Urban Development (HUD) requirements for the San Antonio Metropolitan Statistical Area,¹ can qualify for an additional tax exemption. Gross annual rent for the affordable rental units cannot exceed thirty (30) percent of the corresponding HUD income limit established for the number of family members/tenants seeking to reside in a particular rental unit. The low-income parameters shall be verified/adjusted using the HUD standard on an annual basis.

- A. If the above criteria are fully observed then the property will qualify to receive tax relief in the form of zero assessed ad valorem taxes for the property for ten (10) years, effective on the first day of the year following verification of completion of the rehabilitation by the Historic and Design Review Commission, regardless of when the historic district in which the property is located was officially designated.
- B. The tax exemption will be terminated if the affordable rental rates are increased to exceed the specified rental limits for greater than sixty (60) percent of the number of rental units.
- C. However, the exemption can be reinstated the following year if the affordable requirements of this subsection are again met, upon which the exemption is then available for the balance of the original ten (10) year life of the exemption.
- D. This tax exemption shall be available only in the period defined in (1) above, regardless of termination or reinstatement periods. Assessed taxes after the ten-year tax-free period will be based upon the appraised value for that current year.

(g) Eligibility

¹ This forty (40) percent requirement for affordable units is consistent with a federal tax incentive to promote the development of affordable housing. The HUD income limits for low-income tenants is a sliding scale, ranging from \$24,150 for one person to \$45,500 for eight people. Therefore, thirty (30) percent of the appropriate income limit amount is the allowed annual gross rent.

35-618(g) continued

- (1) The tax exemption options outlined in subsection (f), above, will remain in effect unless terminated by one of the following:
 - A. Sale of the property; or
 - B. If designation status is removed pursuant to § 35-606(g) of this Article.
- (2) An owner of a substantially rehabilitated historic residential property can choose between utilizing the three tax exemptions outlined in subsections (a)(1), (f)(1), and (f)(3) (if after rehabilitation the property still qualifies as "residential" under the definition in Appendix A of this Chapter) but can qualify for only one of the three rehabilitation tax exemptions for each substantial rehabilitation. Once one rehabilitation exemption is effective, neither of the others is ever available for that specific property.
- (3) The tax exemption established in subsection (f)(2) of this Section is still effective even if the property is receiving one of the four residential or commercial rehabilitation tax exemptions (subsections (a)(1), (a)(2), (f)(1), or (f)(3) of this Section).

(h) Application.

An application for historic preservation tax exemption options is established in subsection (f)(1) or (f)(4) of this Section pursuant to subsection (c) of this Section.

35-619 to 35-629 Reserved

Division 3 Archaeological Sites and Cemeteries**35-630 Designated archaeological sites**

Designated archaeological sites shall be treated as any other exceptional or significant resource and shall be reviewed by the Historic and Design Review Commission following the procedures set forth in §§ 35-608 to 35-613 of this Article.

35-631 Inventoried archaeological sites

Identified archeological sites will be reviewed by the Historic Preservation Officer according to the procedures established in this Section. Prior to the start or continuance of any activities that would disturb any previously identified archeological site within the City, including either a designated or inventoried site:

35-631 continued

(Ord. No. 98697 § 6)

- (a) A study of the effect of the proposed activity on the site must be performed by a qualified professional archeologist engaged by the party proposing the activity.
- (b) Upon completion of the study, a written report of the results of the study must be provided to the Historic Preservation Officer, who will have 30 days from date of receipt of the report to issue written comments regarding the effect of the proposed activity on the site.
- (c) If, in the judgment of the Historic Preservation Officer, the proposed activity will have no effect on the site, the Historic Preservation Officer will issue a written order indicating same and the proposed activity may thenceforth proceed immediately.
- (d) If, in the judgment of the Historic Preservation Officer, as expressed in written comments on the report, the proposed activity will have an effect or an adverse effect on the site, a treatment plan for the site must be developed by a qualified professional archeologist engaged by the party proposing the activity. If requested by that party, the Historic Preservation Officer may, at the Historic Preservation Officer's option, collaborate with the archeologist to produce the plan.
- (e) Upon completion, the plan must be submitted in writing to the Historic Preservation Officer and/or the HDRC, and the proposed activity may proceed as soon as a written order of approval of the plan is issued by the Historic Preservation Officer or as soon as the HDRC approves the plan and a Certificate of Appropriateness indicating approval is issued by the Historic Preservation Officer.

35-632 Unidentified archaeological sites

- (a) When a previously unidentified archaeological site is discovered in the course of construction, the property owner immediately shall notify the City's Historic Preservation Officer for assistance on consulting with a qualified archaeologist. The Historic Preservation Officer, with concurrence from the archaeologist, as soon as possible shall evaluate on-site the significance of the archaeological finding. When the Historic Preservation Officer and the archaeologist concur that no adverse effect on the archaeological site will take place, the project may proceed immediately. Where an adverse effect on the archaeological site will take place, the project shall be referred to the Historic and Design Review Commission at the Historic and Design Review Commission's next regular meeting or a called meeting for review following the same procedure set forth for identified archaeological sites.

(Ord. No. 98697 § 6)

- (b) Unidentified archeological sites will, upon discovery, be treated as inventoried archeological site and will be reviewed by the Historic Preservation Officer according to the following procedures:
 - (1) Regarding the discovery of any previously unidentified archaeological site within the City, including sites discovered within the area of any proposed or approved development project for which any items have been submitted to any City department for review, including preliminary review, or for which any permit applications have been submitted, or for which any permit has been issued:

35-632(b) continued

- A. upon the occurrence of such a discovery, all activities in the vicinity of the site, whether proposed or in progress, will be immediately suspended and will not proceed or resume for thirty (30) days until a written order is issued by the Historic Preservation Officer indicating that activities in that vicinity may proceed or resume;
 - B. the party making the discovery, the property owner, and/or the sponsor of any proposed or suspended activities in the vicinity of the site will immediately notify the Historic Preservation Officer of the discovery.
- (2) Within five (5) working days after being notified of the discovery, the Historic Preservation Officer will examine the site, and will either:
- A. issue a written order indicating that no archeological work at the site is necessary, in which case any proposed or suspended activities in the vicinity of the site may thenceforth immediately proceed or resume; or
 - B. notify the sponsor of any proposed or suspended activities in the vicinity of the site and/or the property owner that, before any proposed or suspended activities in the vicinity of the site can proceed or resume or the site is otherwise disturbed, the procedure outlined in § 35-631(a)(1-5) must be followed, in which case the site will not be disturbed until the procedure is completed.

(Ord. No. 98697 § 6)

35-633 *Miscellaneous Provisions*

- (a) In evaluating archeological studies and treatment plans for archeological sites, the Historic Preservation Officer and the HDRC:
- (1) will apply the criteria for effect to, and significance of, archeological sites in the Antiquities Code of Texas and in the regulations of the National Advisory Council on Historic Preservation, Treatment of Archeological Properties, under authority of the Executive Director of the Advisory Council, National Historic Preservation Act, and Executive Order 11593, and
 - (2) will also apply the review criteria set forth in § 35-608 of this Chapter.
- (b) During the Historic Preservation Officer and HDRC review of archaeological sites, as otherwise described herein:
- (1) development or other activities may proceed wherever sites have not been identified or discovered; and,
 - (2) any party proposing or engaged in any activity that would have an effect on or otherwise disturb an archeological site may at any time forego or suspend the activity and thereby suspend the Historic Preservation Officer and/or HDRC review process for that activity at that time. In that event, the archeological sites concerned will not be disturbed unless

35-633(b) continued

and until the Historic Preservation Officer and/or the HDRC review process, as described herein, is completed.

35-634 Cemeteries

All applicants for permits, excluding burial permits, affecting cemeteries shall be referred to the City Historic Preservation Officer for the purpose of determining whether or not the cemetery is historically, culturally, architecturally, or archaeologically exceptional or significant. If the cemetery is determined by the City Historic Preservation Officer to be exceptional or significant, any proposed change, excluding burials, must be presented to the Historic and Design Review Commission for approval of planned work. If a court of competent jurisdiction has granted permission for cancellation or destruction of such cemetery, any plans for new construction must be approved thereafter by the Historic and Design Review Commission before construction commences. The Historic and Design Review Commission shall be governed in its recommendations by regulations set forth in Texas State law for cemeteries excluding burial permits.

(Ord. No. 98697 § 6)

35-635 to 35-639 Reserved

Division 4 Public Property

35-640 *Public property and rights-of-way*

(1) *Public property*

Generally, the Historic and Design Review Commission will consider applications for actions affecting the exterior of public properties except in the case of building interiors that are the sites of major public assemblies or public lobbies. The Historic and Design Review Commission will also consider applications for actions affecting public properties such as city parks, open spaces, plazas, parking lots, signs and appurtenances.

(2) *Public rights-of-way*

Generally, the Historic and Design Review Commission will consider applications for actions affecting public rights-of-way whose construction or reconstruction exceeds in quality of design or materials standards of the design manual of the Public Works Department.

(Ord. No. 98697 § 6)

35-641 *Design considerations for Historic and Design Review Commission recommendations*

In reviewing an application, the Historic and Design Review Commission shall be aware of the importance of attempting to find a way to meet the current needs of the City of San Antonio, lessee or licensee of public property. The Historic and Design Review Commission shall also recognize the importance of recommending approval of plans that will be reasonable to implement. The best urban design standards possible can and should be employed with public property including buildings and facilities, parks and open spaces, and the public right-of-way. Design and construction on public property should employ such standards because the use of public monies for design and construction is a public trust. Public commitment to quality design should encourage better design by the private sector. Finally, using such design standards for public property improves the identity and the quality of life of the surrounding neighborhoods.

35-642 *New construction of buildings and facilities*

In considering whether to recommend approval or disapproval of a certificate, the Historic and Design Review Commission shall be guided by the following design considerations. These are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will enhance the City and its neighborhoods. Good and original design solutions that meet the individual requirements of a specific site or neighborhood are encouraged and welcomed.

(Ord. No. 98697 § 6)

(a) *Site and setting*

- (1) Building sites should be planned to take into consideration existing natural climatic and topographical features. The intrusive leveling of the site should be avoided. Climatic

35-642(a) continued

factors such as sun, wind, and temperature should become an integral part of the design to encourage design of site-specific facilities which reinforces the individual identity of a neighborhood and promotes energy efficient facilities.

- (2) Special consideration should be given to maintain existing urban design characteristics, such as setbacks, building heights, streetscapes, pedestrian movement, and traffic flow. Building placement should enhance or create focal points and views. Continuity of scale and orientation shall be emphasized.
- (3) Accessibility from streets should be designed to accommodate safe pedestrian movement as well as well as vehicular traffic. Where possible, parking areas should be screened from view from the public right-of-way by attractive fences, berms, plantings or other means.
- (4) Historically significant aspects of the site shall be identified and if possible incorporated into the site design. Historic relationships between buildings, such as plazas or open spaces, boulevards or axial relationships should be maintained.

(b) Building design

- (1) Buildings for the public should maintain the highest quality standards of design integrity. They should elicit a pride of ownership for all citizens. Public buildings should reflect the unique and diverse character of San Antonio and should be responsive to the time and place in which they were constructed.
- (2) Buildings shall be in scale with their adjoining surroundings and shall be in harmonious conformance to the identifying quality and characteristics of the neighborhood. They shall be compatible in design, style and materials. Reproductions of styles and designs from a different time period are not encouraged, consistent with the Secretary of the Interior's Standards. Major horizontal and vertical elements in adjoining sites should be respected.
- (3) Materials shall be suitable to the type of building and design in which they are used. They shall be durable and easily maintained. Materials and designs at pedestrian level shall be at human scale, that is they shall be designed to be understood and appreciated by someone on foot. Materials should be selected that respect the historic character of the surrounding area in texture, size and color.
- (4) Building components such as doors, windows, overhangs, awnings, roof shapes and decorative elements shall all be designed to contribute to the proportions and scale of their surrounding context. Established mass/void relationships shall be maintained. Patterns and rhythms in the streetscape shall be continued.
- (5) Colors shall be harmonious with the surrounding environment, but should not be dull. Choice of color should reflect the local and regional character. Nearby historic colors shall be respected.
- (6) Mechanical equipment or other utility hardware should be screened from public view with materials compatible with the building design. Where possible, rooftop mechanical equipment should be screened, even from above. Where feasible, overhead utilities should also be underground or attractively screened. Exterior lighting shall be an integral part of the design. Interior lighting shall be controlled so that the spillover lighting onto public walkways is not annoying to pedestrians.

35-642(b) continued

- (7) Signs which are out of keeping with the character of the environment in question should not be used. Excessive size and inappropriate placement on buildings results in visual clutter. Signs should be designed to relate harmoniously to exterior building materials and colors. Signs should express a simple clear message with wording kept to a minimum.
- (8) Auxiliary design. The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designed with the overall environment in mind and should be in visual keeping with related buildings, structures and places.

(c) Multiple Facades

In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face two (2) streets or a street and the San Antonio River, the Historic and Design Review Commission shall consider the above visual compatibility standards with respect to each important facade.

35-643 Alteration, restoration, and rehabilitation

In considering an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure the Historic and Design Review Commission shall be guided by the following general standards of the Secretary of the Interior's Standards for Rehabilitation in addition to any specific design guidelines included in this article.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

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- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting, high pressure washes and other cleaning methods that will damage the historic buildings materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

35-644 Ordinary repair and maintenance

Those activities which require a permit and constitute ordinary repair and maintenance include but are not restricted to:

- (a) Repair using the same material and design as the original;
- (b) Reroofing, using the same type and color of material; and
- (c) Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

35-645 Signs and billboards**(a) General provisions**

All non-regulatory signage on public property, on the public right-of-way, or overhanging the public right-of-way shall conform to all City Codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval and recommendation to the Director of Planning and notification of the Director of Development Services.

(Ord. No. 98697 § 1 & 6)

(b) Sign Proportions

For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.

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(c) Prohibited Signs

Signs which shall not be permitted include:

- Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, interrupt, or conceal any window opening, door, or significant architectural feature or detail of any building;
- Roof mounted signs, except in the cases of integral design with the building.

(d) Special Purpose Signs

All special purpose signs shall be approved by the Historic and Design Review Commission and shall be removed within thirty (30) days from the date of approval unless otherwise specified. If within the specified period the property owner feels there is a continued need for the special purpose sign, he shall request additional display time. Nongovernmental banners, pennants and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this ordinance and are appropriate for advertising the event and for decoration only during special events or celebrations. No permanent advertising may be regulated in this way.

(e) Standards for sign design and placement

In considering whether to recommend approval or disapproval of an application for a certificate to construct or alter signage on a building, object, site, or structure, the Historic and Design Review Commission shall be guided by the following standards in addition to any specific design guidelines adopted pursuant to Division 1 of this article.

- (1) Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall design of the building or structure and the surrounding area.
- (2) The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion.
- (3) Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap access" signs shall be reviewed by the Historic and Design Review Commission.
- (4) All graphic elements shall reinforce the architectural integrity of any building. Signs should not disfigure, damage, mar, alter, or conceal architectural features or details and should be limited to sizes which are in scale with the architecture and the streetscape. The Historic and Design Review Commission shall be guided by the building's proportion and scale when such elements are incorporated.

35-646 Construction in public rights-of-way**(a) General provisions**

All construction in the public right-of-way shall conform to all City Codes. In considering an application, the Historic and Design Review Commission shall be guided by the following:

35-646(a) continued

(1) Sidewalk zones

Pedestrian movement should be pleasant, allowing for store browsing, comfortable transit waiting and easy accessibility for disabled people. Where possible, sidewalks should at least five (5) feet in width. Existing sidewalks should not be narrowed when replaced.

(2) Sidewalk paving and surfaces

Materials should complement stylistic differences of individual buildings, particularly when related to historic buildings.

- A. Materials. Materials should be chosen for beauty, strength, longevity, easy maintenance and traction when dry or wet.
- B. Color and texture. To ensure the safety of pedestrians, all changes in surfaces should be defined by contrasting color, texture or materials.

(3) Street features and arrangements

Historic districts and the downtown, as well as other distinct areas of the City have diverse character and any street furniture selected for these areas should complement these differences. In addition, the clustering of street furniture in one place is recommended. Trash receptacles, seating, telephones and other street furniture should be grouped together.

- A. Circulation. A clear path-of-travel of thirty-six (36) inches wide shall be maintained in and around street features and arrangement.
- B. Seating. Seating should be physically comfortable and inviting, durable and attractive. Plaza and open space seating should also be socially comfortable by offering a variety of choices such as in the sun or shade, near traffic and activity or not, and alone or in groups.
- C. Drinking fountains. Placing drinking fountains in new development is encouraged. Fountains should be placed within general areas of pedestrian traffic and located on accessible surfaces.
- D. Trash receptacles. Trash receptacles should blend visually with their surroundings and their design and location should make use as convenient as possible.
- E. Vending machines. Vending machines will not dispense items other than newspapers and periodicals. Vending machines shall be clustered together and away from intersection corners.
- F. Vending carts and kiosks. Vending carts and kiosks are encouraged in locations that do not impede normal pedestrian traffic.
- G. Outdoor dining. Lease of public right-of-way for outdoor dining is encouraged in appropriate locations. Lease of sidewalk space for outdoor dining shall be managed through the department of parks and recreation and shall comply with all City Codes. It is recommended that at least eight (8) feet of sidewalk be retained between the curb and the leased or licensed space to provide an uninterrupted public walkway.
- H. Street objects. Utility boxes, vending machines and so on should not be located in sidewalk zones. Their design and color should be compatible with character of their surroundings.

(4) Streetscape landscaping

Landscaping, particularly streets trees, are an important addition to the streetscape because of the hot Texas climate. Appropriate application along sidewalks strengthens the visual quality of

35-646(a) continued

public streets. Careful selection of plant materials, using native and low-water use plants, is recommended.

(Ord. No. 98697 § 6)

(b) Skywalks and underground walkways

Skywalks and underground walkways between buildings but over (or under) public right-of-way shall be integral design elements of a total development, not merely passageways.

(1) Skywalks

Skywalks should avoid impeding vistas and views, particularly in the downtown, of historic landmarks, the River, and other important buildings. Construction shall be considered on an individual basis but shall not occur over the River. Skywalks shall facilitate interoffice communication and traffic rather than serve as a public walkway.

(2) Underground walkway

Underground walkways or tunnels shall facilitate interoffice communication rather than serve as a public walkway. Underground walkways should include light wells, skylights, landscaping, and fresh air ventilation.

(c) Awnings and canopies

The primary purpose of an awning shall be to provide shade and weather protection to pedestrians.

(1) Size and shape

Awnings shall be proportionate in shape and size to the scale of the building facade to which it will be attached. On historic landmarks or on older buildings, awnings shall be historically appropriate in design and materials.

(2) Materials and lettering

Preferred materials for fabric awnings are fire resistant canvas. Metal canopies may also be appropriate. Lettering on fabric awnings shall be permitted on the front flap only of the awning in a manner proportional to the awning size, but not to exceed one-half the area of the front flap. Symbols or logos may be allowed on the top of the awning not to exceed one-sixth of the square footage of the top of the awning.

35-647 to 35-649 Reserved

Division 5 Public Art & Design Enhancement Program

The purpose of the Public Art and Design Enhancement Program is to support a public process for incorporating artist services and artworks in the design of civic spaces and capital projects and to define the program's policies and guidelines for acquiring and commissioning art of the highest standards which shall enrich the quality of life for all residents and visitors of San Antonio.

The goals of the Public Art and Design Enhancement Program are to create a better visual environment for the residents and visitors of San Antonio, to integrate the design work of artists into the development of City eligible capital improvement projects, and to promote tourism and the economic vitality of the City through the enhancement of public spaces. The Public Art and Design Enhancement Program specifically seeks:

- *to encourage the selection of artists at the beginning stages of each project who can work successfully as members of the project design team, and to encourage collaboration among all arts and building disciplines;*
- *to foster quality design and the creation of an array of artwork in all media, materials and disciplines that best respond to the distinctive characteristics of each project site and the community that it serves;*
- *to select experienced artists who represent the diverse cultural landscape of San Antonio;*
- *to encourage the selection of design enhancements that are accessible to the public and respect the historical resources and mobility of the citizenry;*
- *to encourage artists, design enhancements and programs for open spaces, parks, infrastructure and facilities that contribute to neighborhood revitalization and enhance the quality and pride of neighborhoods in the City;*
- *to encourage participation by citizens in the process of acquiring and commissioning of Design Enhancements;*
- *to encourage the role of design enhancements in enhancing economic development and cultural tourism;*
- *to encourage the role of artists and design enhancements in the functional design of eligible capital improvement projects;*
- *to exhibit art in designated City facilities for the enjoyment of the public and to heighten awareness and appreciation for local artists; and*
- *to maintain the City Art Collection.*

35-650 Funding**(a) Design Enhancement Allowances**

All design enhancement allowances will be developed and maintained within applicable City infrastructure and capital improvement budgets, including eligible bond and grant funded projects and adhere to established timelines. The allowances identified for design enhancements may be used for artist design services, for the development of design concepts and models, for the placement, and installation of the enhancements. Design Enhancements may be permanent, may be integral to the architecture or may be incorporated into the City eligible capital construction project. Integration of artists design concepts into the project architecture should be ensured, insofar as is feasible, by the concurrent selection of the artist(s) with the architect or project designer. The Public Art and Design Enhancement Program should encompass the broadest possible range of expression, media and materials.

(b) Development of Annual Design Enhancement Plan

- (1) The Department of Public Works through the Public Art and Design Enhancement Program shall review with City Departments all planned capital improvement projects to determine if they are eligible for design enhancement treatment. In general, projects should be identified as early as possible, prior to appropriation by City Council, and whenever possible, prior to the selection of the project architect.
- (2) The Department of Public Works through the Public Art and Design Enhancement Program will use the following criteria for identifying and recommending capital projects suitable for public art and/or design enhancement treatment: a) Available public art and or design enhancement opportunities, b) Size and scope of project, c) Community or neighborhood sensitivity and diversity of communities served, d) Opportunities for community participation and educational impact
- (3) The Department of Public Works shall discuss each eligible project with the assigned architectural and departmental staff to develop a project description, allowance, and timeline.
- (4) The Department of Public Works through the Public Art and Design Enhancement Program shall review and present all eligible capital improvement projects to the City Council as part of the Capital Improvements Program. This plan may include the proposed design enhancement projects, recommend the specific approach to design enhancement in each of the projects and define the artist selection processes.
- (5) The Department of Public Works through the Public Art and Design Enhancement Program may, from time to time during the course of the year, modify the Design Enhancement Plan.

(c) Gifts, Grants and Awards

Gifts, grants and awards of monies obtained hereunder may be accepted by the City of San Antonio upon City Council approval, and said monies shall be credited to the Public Art and Design Enhancement Program. Any gifts, grants and awards received subject to a condition shall be expended strictly in accordance with such condition.

35-651 Eligible and Ineligible Design Enhancements**(a) Eligible Design Enhancements**

It is the policy of the Department of Public Works that all design enhancements commissioned or acquired by the City through the Public Art and Design Enhancement Program be designed by a professional visual artist, craftsman or an artist or craftsman in collaboration with the project architect, landscape architect or engineer. Such artworks may include, but are not limited to the following:

- (1) The incremental costs of infrastructure elements, such as sound-walls, utility structures, roadway elements and other items if designed by an artist or design team that included an artist co-designer.
- (2) Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.
- (3) Earthworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
- (4) Murals or portable paintings in any material or variety of materials.
- (5) Sculpture: free-standing, wall supported, or suspended; kinetic and electronic in any material or combination of materials.
- (6) Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
- (7) Enhancements that are an integral part of architecture, landscape architecture, and landscape design.

(b) Ineligible Design Enhancements

Design enhancements that are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist, or reproductions, by mechanical or other means, of original artwork, except in the case of film, video, photography, printmaking or other media arts.

35-652 Responsibilities**(a) Department of Public Works**

The Department of Public Works shall:

- (1) administer the public art and design enhancement Allowances, Artists Registry, and the Artist Selection Panels;
- (2) implement policies and procedures relative to applying for and accepting gifts and grants, and deaccessioning, relocation, maintenance, repair, and alteration of the City Art Collection;

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- (3) act as a liaison between Artist Selection Panels, the Public Art Committee, City Departments, Artists, Design and Building Professionals and the Public;
- (4) develop a Public Art and Design Enhancement Plan linked to Eligible City Capital Improvement Projects;
- (5) maintain an inventory of publicly accessible spaces which are potential sites for placing artworks and/or art projects;
- (6) present to City Council for acceptance all cash gifts given for the purpose of purchasing or commissioning artworks;
- (7) discuss with all City Departments and project designers the possibility of their acceptance and placement of a gift or loan of an artwork to the City at specific sites;
- (8) discuss with City Departments with eligible sites for the placement of a gift or loan of an artwork the cost of care and maintenance of said artwork; and
- (9) Select three (3) at large Public Art Committee members who shall be advisory and non-members of the Historic and Design Review Commission.

(Ord. No. 98697 § 6)

(b) Other City Departments

Other City Departments shall:

- (1) plan, develop and coordinate with the Department of Public Works regarding existing and future sites for the incorporation of artworks and artist services.
- (2) develop and implement artwork projects at specific sites.
- (3) assess information and coordinate with the Department of Public Works on proposals for gifts or loans of artworks and monies.
- (4) inform the Department of Public Works on any departmental activity related to the development and implementation of artwork and artist services.
- (5) assist the Department of Public Works in allocating funds, monitoring projects budgets and educating the public.
- (6) inform the Department of Public Works on planning for targeted improvement areas which could potentially incorporate an art project.

(c) Public Art Committee

The Public Art Committee shall:

- (1) be composed of seven (7) persons from within and outside the Historic and Design Review Commission's membership. At least four (4) of the seven (7) members of Public Art Committee (PAC) shall be members of the Historic and Design Review Commission. Members of the PAC shall be limited to one two year term; however, of the initial

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appointments, four (4) shall hold a term of two (2) years and three (3) members shall hold a term of one year; and

- (2) have a chairperson and shall be initially selected by the Chairperson of the Historic and Design Review Commission, and shall have a term of one year. Subsequent chairpersons shall be elected by the PAC for one year terms to manage the functions of the committee.
- (3) review and make recommendations on all final design enhancement projects to the Historic and Design Review Commission and following the criteria set forth in Section 35-653; and
- (4) review and make recommendations on all proposed gifts and loans following the criteria set forth in Section 35-655; and
- (5) review and make recommendations on the deaccessioning of artworks following the criteria set forth in Section 35-656; and
- (6) review and make recommendations on the conservation, maintenance, repair, or alteration of artworks in the City Art Collection; and
- (7) review and make recommendations on the inventory of artworks in the City Art Collection, which shall be periodically inspected; and
- (8) develop, promote, and preserve aesthetic excellence in public spaces for San Antonio residents and visitors.

The Public Art Committee shall not bind the City of San Antonio by contract or otherwise. In order to avoid conflicts of interest, no member of the Public Art Committee shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention form voting prior to the taking of a vote.

(d) Artist Selection Panels

Artist Selection Panels shall:

- (1) be composed of six members including: one project design architect or engineer, one Department project manager or architect, two community members from the area where the project is located, one individual knowledgeable in Design Enhancement, and one Public Art Committee member.
- (2) make recommendations to the Department of Public Works, and the Public Art Committee on design, execution, placement, of design enhancement projects in connection with specific capital projects.
- (3) make recommendations to the Department of Public Works on appropriate method(s) of artist selection, commissioning, placement and execution of artworks related to the design of each appropriate project.
- (4) review the Artists Registry, artist's applications and make final recommendations to the Department of Public Works and on the artist(s) applying for the specific projects.

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- (5) review and select artists taking into consideration the recommendations of the Department of Public Works and the criteria established by the Public Art and Design Enhancement Program.
- (6) cease to exist once the artist(s) is selected and approved.
- (7) shall not bind the City of San Antonio by contract or otherwise.
- (8) Conflicts of Interest - No member of the Artist Selection Panel shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention from voting prior to the taking of a vote.

(e) Artist(s)

The Artist(s) shall:

- (1) submit credentials, visuals, proposals and/or project materials as directed for consideration by the Artist Selection Panel.
- (2) conduct necessary research, including attending project orientations and touring project sites, when possible.
- (3) design, execute, complete and transfer title of the artwork in a timely and professional manner.
- (4) work closely with the project manager and/or other design professionals associated with the project.
- (5) submit to the Department of Public Works, the Public Art Committee, and the Historic and Design Review Commission, any significant changes in the scope of the project, color, material, or design of the approved artwork.
- (6) make public presentations, conduct community education workshops or a residency, as required by the contract with the City of San Antonio.
- (7) provide a maintenance plan that includes a list of materials, diagrams, names of fabricators describing processes used in fabricating the artwork, and the descriptions and drawings of installations, specifications and details of connecting methods.

35-653 Selection of Artists**(a) Criteria**

Whenever possible, the selection process shall begin at the conceptual stage of the project so the artist(s) will be able to integrate art concepts and artworks with the design of the specific projects and or sites. Early participation also allows for dialogue between the artist(s), the community the project serves and architect or designer to discuss the design processes and the inclusion of specifications for the artwork's site preparation that are subject to zoning, design, and construction codes. The selection of artists or artworks must meet the following criteria:

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- (1) The design capabilities of the artist(s) and the inherent quality of the artworks.
- (2) All media forms of visual arts may be considered, subject to any requirements set by the Artist Selection Panel or the Department of Public Works through the Public Art and Design Enhancement Program.
- (3) Design enhancements of all schools, styles, and tastes should be considered for the Public Art and Design Enhancement Program.
- (4) Design enhancements should be appropriate in scale, materials, form and content for the immediate social and physical environments with which they relate.
- (5) Consideration should be given to structural and surface integrity, permanence and protection of the artwork against theft, vandalism, weathering, excessive maintenance and repair costs.
- (6) Consideration should be given to the fact that Design Enhancement, as defined by the Program, is a genre that is created in a public context and that must be judged by standards that embrace factors other than the aesthetic, including public participation, social and political attitudes, and functional considerations. Design Enhancement may also serve to establish focal points, terminate areas, modify, enhance or define specific spaces, establish identity, or address specific issues of urban design.
- (7) Design enhancements should be examined for unsafe conditions or factors that may bear on public liability.
- (8) The Public Art and Design Enhancement Program should strive for diversity of style, scale and media. The program will also strive for an equitable distribution of artworks throughout the City, subject to sources of project funding.
- (9) Consideration shall be given to the clarity and appropriateness of the budget for each specific project.
- (10) The artist selection process shall ensure that the interests of all concerned parties are represented, including the public, the art community and the City Departments.

(b) Methods of Selecting Artists**(1) Design Team Selection**

The design team of a project may directly select an artist(s) following the criteria set forth in Section 35-653(a).

(2) Limited Competition

The artist selection panel may invite a limited number of artists to submit credentials or proposal.

(3) Open Competition

Any artist may submit credentials or proposals, subject to any requirements established by the Artist Selection Panel or the Department of Public Works. Calls for entries for open competitions

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shall be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration.

(4) Direct Selection

The artist selection panel may directly select an artist(s). Generally, direct selection will not be employed except on those projects where an open or limited competition would be inappropriate or impractical, such as a very urgent project timeline or very specific project requirements.

(c) Limited Competition Selection Process.

- (1) The Department of Public Works' Public Art and Design Enhancement Program in consultation with appropriate City Departments shall define the scope of work, project criteria, budget, develop a community profile, assemble the Artist Selection Panel and outline the selection process.
- (2) The Department of Public Works shall brief the Artist Selection Panel on the project and makes appropriate modifications according to the Panel's recommendations.
- (3) The Artist Selection Panel shall review the Artists Registry or other sources recommended by the Department of Public Works and select a predetermined number of finalists to be interviewed. Depending on the scope of work and timeline of the project, the selected finalists may be required to submit their qualifications or a project proposal to the Panel. If the finalists are to submit a project proposal, the Department of Public Works shall present finalists with information pertaining to the selection process and the project, including a site and community profile. The Department of Public Works or the project architect may set a meeting with the artist to discuss the site and/or project.
- (4) The Artist Selection Panel shall interview the finalists and review the artists' qualifications or proposals, on a predetermined date. Qualifications may include a resume and samples of artist's past work. Proposals may include models, drawings, and a written statements. After all interviews and reviews have been concluded, discussion between panel members will begin based on the material presented, discussion with finalists, project scope of work and criteria. Final artist selection will be a majority vote. Panel's recommendation of selected artist(s) will be transmitted to the Design Enhancement Advisory Committee.
- (5) The Department of Public Works shall request a formal proposal from the final artist(s) selected, specifying the time frame for proposal development, payment schedule, ownership and copyrights. All materials related to the proposal including models, drawings etc. will be property of the artist, but the City shall have the right to exhibit and use them for educational and promotional purposes.
- (6) Open Competition Process- The Artist Selection Panel may decide to hold an open competition for a specific project. The Department of Public Works shall prepare and distribute a project announcement to all artists in the Artist Registry as well as other venues. The Artist Selection Panel shall review all the applications and select a predetermined number of finalists. The limited competition process would then follow.

(d) Direct Commission Process

In special circumstances, the Artist Selection Panel may decide, by unanimous decision, on commissioning one artist to work on a project.

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(e) Final Recommendations

The Public Art Committee has the responsibility of recommending an artist's proposal or artwork for a project to the Historic and Design Review Commission for final design approval.

(f) Contracts, Fabrication, Installation, Maintenance of Artworks, and Artists Registry

- (1) Design teams selected for projects eligible for design enhancement treatment will be contracted to provide architects/engineering and unique design enhancement features. Contracts will be negotiated between the project lead consultant and the artist in consultation with the Department of Public Works. The artist may be asked to prepare a budget that includes costs for fabrications, materials, labor, transportation, site preparation and installation, insurance, artist fee and a contingency fund. Contracts will require artist to develop a Maintenance Plan for the artwork, which must be submitted to the Department of Public Works before final acceptance of artwork by City is issued.
- (2) Fabrication of the artwork will be by the artist or under the artist's direct supervision.
- (3) Installations shall be coordinated between the Department of Public Works through the Public Art and Design Enhancement Program and the appropriate representatives of each Department having jurisdiction over the site and/or construction. Whenever possible, the installation of artworks will become part of the final project's construction contract, and will be executed by the contractor under the artist's supervision.
- (4) All routine maintenance, and repairs of permanent design enhancements, including cleaning shall be the responsibility of the City Department housing the artwork, in consultation with the Department of Public Works. Each Department that houses the design enhancements shall notify the Department of Public Works whenever it believes an artwork requires attention. City Departments may request from the Department of Public Works guidance in maintenance, cleaning and curatorial services for the City Art Collection. When applicable, artwork that requires any maintenance shall follow the specific instructions and specifications listed under artist's Maintenance Plan.

(g) Documentation

The Department of Public Works through the Public Art and Design Enhancement Program shall document the selection process and critical stages of specific projects such as fabrication and installation. The documentation will be used for the production of City promotional material and self-guided tour brochures. A video and still photography of each project may be part of the documentation. This documentation will be used as a promotional, educational and archival resource. All records relating to all projects such as contracts, correspondence, memoranda, proposals, models, and billings will be kept by the Department of Public Works.

(h) Artists Registry

The Department of Public Works will administer an Artists Registry accessible to all local, regional, national and international artists interested in applying. This will ensure that the largest numbers of artist will be accessible to all Design Enhancement projects and programs. The Artists Registry will be used as a resource by the Artist Selection Panels for commissioning artists

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and art works. The Department of Public Works will periodically post notice of the registry and application and will use other art organizations' mailing lists to maximize artist participation.

35-654 Guidelines for Temporary Exhibits and Events

The Department of Public Works has the joint responsibility with other City Departments in implementing and administering exhibitions of art in City facilities such as the Central Library Art Gallery, the Airport Art Spaces, and City Hall. Other City Departments may request services in the future and the Department of Public Works shall seek such opportunities. The Department of Public Works through the Public Art and Design Enhancement Program shall design appropriate selection processes and panels to review and select proposals. All final approvals of artworks and exhibitions will be the responsibility of the Department of Public Works and the participating department exhibition space staff. Contracts for art exhibitions and events will be modified versions of the percent art contracts, and will be negotiated between the representative of the proposed exhibition and/or event, the Department of Public Works, and the participating department and/or agency.

35-655 Guidelines for Gifts and Loans**(a) Policy**

The Department of Public Works through the Public Art and Design Enhancement Program shall be responsible for reviewing all proposed gifts and loans of artworks following the guideline's review process for accepting or rejecting, placing and maintaining the artwork(s) in the City Art Collection.

(b) Review Process**(1) Generally**

The Donor shall contact and discuss the gift or loan and procedures with the Department of Public Works' Public Art and Design Enhancement Program. Donor shall submit detailed written descriptions of the artwork, including sketches and/or models of the artwork, all information pertaining to the artist, and a warranty of originality of the artwork. The Department of Public Works Public Art and Design Enhancement Program shall review materials with the Department responsible for sites receiving the donated artwork. The Department of Public Works shall develop materials including inventory of possible sites to review with the Historic and Design Review Commission's Public Art Committee. The Public Art Committee shall be allowed enough time to review and request further information pertaining to the artwork(s) and/or site before final acceptance or refusal of any gift and/or loan. The Public Art Committee shall submit recommendations to the Department of Public Works' Public Art and Design Enhancement Program and the Historic and Design Review Commission for final recommendation to City Council. Gifts of state presented to the City of San Antonio by foreign governments or by other political jurisdictions of the United States are exempt from the review process. However, permanent placement and proper site selection of such artworks shall be determined jointly by the appropriate City Department and the Department of Public Works and shall be subject to final approval by the Historic and Design Review Commission and accepted by ordinance by City Council.

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(2) Criteria

The Public Art Committee shall review proposals according to the following criteria:

- (1) Quality of Work- to consider :the quality of the artwork, a written description of the artwork must be submitted including sketches, models, photographs, artist's qualifications and warranty of original creation or limited edition of the artwork.
- (2) Financial Consideration- Consideration shall be given to the cost of fabrication and installation, a maintenance agreement between the City and the donor, and the estimated cost of maintenance and repair over the expected life of the artwork, including source of funding, and the value of work.
- (3) Liability- Consideration shall be given to the susceptibility of the artwork to damage, vandalism, public safety, and special insurance requirements.
- (4) Environment- Consideration shall be given to artwork's appropriateness to the site, scale, historical and ecological impact.

35-656 Guidelines for the Review and Deaccessioning of Art.**(a) Policy**

Design enhancements in the City Art Collection has generally been placed in the public domain through a process and under specific public context. Their placement is a result of careful thought, discussion, professional advice and, at times, community participation. Artworks in public spaces are created by artists with sensitivity to the site and the public that access them. Therefore, it should be the City's responsibility to avoid removing or disposing of them but, rather seek to ensure the integrity of the artist, their artwork, the site, and the public for which it is created. Art that is considered for removal from the City Art Collection should undergo a responsible and careful review process according to carefully developed procedures.

(b) Review Assessment

The Department of Public Works shall assess the condition of the City Art Collection on an ongoing basis and if it recommends deaccessioning of design enhancements, it shall initiate the process to the Public Art Committee to review the status of artwork including, but not limited to, the following reasons:

- (1) Maintenance of the artwork is excessive, quality of the design and workmanship becomes questionable, and repair or remedy are impractical or infeasible.
- (2) The condition or security of the artwork cannot be reasonably guaranteed.
- (3) The artwork endangers public safety and/or the public right-away.
- (4) The Historic and Design Review Commission Public Art Public Art Committee, upon assessment of the art collection and/or department responsible for ownership of artwork, may want to replace the art with a more appropriate artwork by the same artist(s).
- (5) Unfavorable public reaction for extended period of time.

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- (6) The quality of work is questioned for extended period of time.
- (7) Written request by artist and/or department responsible for maintenance of artwork has been received.
- (8) Site of artwork is under serious consideration for relandscaping, reconstruction, and/or demolition.

(c) Reviewing Steps

- (1) Review existing artist contracts and/or agreements.
- (2) Assess the issues at hand with the artist.
- (3) Seek opinions from qualified professionals on the conditions or other matters that initiated the review assessment.
- (4) Review and analyze all written materials, including press or other publicly contested issues pertaining to artwork.
- (5) A recommendation shall be formulated by the Public Art Committee.

(d) Deaccessioning

If the Public Art Committee fails to resolve a deaccessioning request and determines that removal cannot be prevented, the Committee may request that Department of Public Works select a neutral third party to do the following:

- (1) Assess the efforts to resolve the issues by the Public Art Committee.
- (2) Make other recommendations.
- (3) If the third party recommends other measures to be considered other than removal of the artwork, the Department of Public Works shall give the third party a predetermined time frame to execute the proposed measures.
- (4) If all recommendations proposed by the third party are unsuccessful, or upon recommendation of the Director of Public Works, the City shall consider the following: (1) if applicable, the artist whose work is under consideration for deaccessioning shall receive written notification by registered mail, and shall have the right of first refusal to purchase the work; (2) relocation of artwork to appropriate and/or specific site with the assistance of the artist; (3) sale, extended loan or trade (fair market value appraisal must be secured to assist further decisions).

(e) Provisions for Review and Amendment

These guidelines are subject to periodic review and revision by the Department of Public Works, City Manager and City Council.

35-657 Community Outreach**(a) Purpose**

Public participation is a key aspect of a Public Art and Design Enhancement Program. The Department of Public Works will make significant efforts to involve the public in community outreach and public education programs. These efforts can create a context in which citizens can better understand and appreciate the artworks and the design contributions of the artists.

(b) Policy

The Department of Public Works will make significant community outreach and public education efforts on each Public Art and Design Enhancement project. Possible activities may include:

- (1) Efforts to raise the level of general awareness about Public Art and Design Enhancement, such as slide lectures or presentations to various community groups and service organizations, a regular program of media coverage, and periodic "town hall" meetings in City Council districts.
- (2) Community involvement, including appropriate community meetings before the project is defined, community representation on the artist selection panels, community co-sponsorship of Public Art and Design Enhancement projects, and public "unveilings" or dedications.
- (3) More formal public education programs, including design competitions and design awards, sponsorship of Public Art and Design Enhancement lectures by local museums and galleries, guided tours of Public Art and Design Enhancement in the City, and periodic symposia on Public Art and Design Enhancement.
- (4) A program for school children that includes the development of curriculum guides for Public Art and Design Enhancement, sponsorship of artist residencies in the public schools, and a speaker's bureau on Public Art and Design Enhancement for the school system.
- (5) Media relations efforts that target the local print and broadcast outlets, participation by the Public Art and Design Enhancement Advisory Committee and staff members on local media talk shows, and regular press development activities in the form of press releases and media packages.
- (6) A publication program that includes catalogs and guides to the City Art Collection, a newsletter to interested citizens, and the creation of posters to accompany the unveiling of new artworks.

35-658 Local and Non-Local Artists**(a) Purpose**

The City of San Antonio's Department of Public Works recognizes that the Public Art and Design Enhancement Program can serve more than one purpose. While the primary mission of the program is the enhancement of public spaces in San Antonio for the general benefit of its citizens and visitors, the Public Art and Design Enhancement Program can also be an important tool in developing the community of artists who reside in San Antonio and Texas.

(b) Policy

The Department of Public Works shall seek a balance in the awarding of contracts for the Design Enhancement and design projects among San Antonio-based, Texas, national and international artists. Factors such as the size of the Design Enhancement and design project, the level of visibility of the public site, the availability of outside funding, and state and federal regulations, all may influence the decision on the part of the Department of Public Works to seek artists from local, regional, national or international pool of artists. And, recognizing that it is difficult for San Antonio-based artists to participate in Design Enhancement projects unless they have previous experience, the Department of Public Works will seek special opportunities to help develop a growing pool of San Antonio-based artists with experience in Design Enhancements.

35-659 through 35-669 Reserved**Division 6 Rio Districts****35-670 Criteria for Certificate of Appropriateness -- Generally**

In reviewing an application for a Certificate of Appropriateness for properties in the six River Improvement Overlay Districts, the HDRC shall consider the character and design objectives for each River Improvement Overlay District, as well as the design standards set forth below. The Commission also shall view the River and its improvements as one precious natural, cultural, and historic resource from the northern boundary near Hildebrand to the most southern corporate limits of San Antonio. A building design or alteration should recognize and acknowledge its relationship to the River in its entirety. Sensitivity in design and an overall harmonious blending cannot be overemphasized.

(Ord. No. 95352 § 3 Attachment 2)

(a) Policy manuals adopted

The San Antonio River Improvements Project Concept Design Guidelines, the River Walk Policy Guidelines, as amended, and the Design Guidelines for Development of Properties along the San Antonio River, prepared for the City of San Antonio, are hereby adopted as policy guides for use by the Commission and property owners. Copies are available from the Historic Preservation Office.

(Ord. No. 95352 § 3 Attachment 2)

(b) Design Objectives for River Improvement Overlay Districts**(1) Design Objectives for "RIO-1" River Improvement Overlay District – 1**

- A. Maintain the character of existing residential neighborhoods and redevelop commercial nodes.
 - Maintain two separate contexts within its boundaries: 1) residential areas and 2) newly revitalized commercial nodes.
 - Allow higher density, multifamily residential and mixed –use buildings.
 - Preserve existing neighborhoods.
- B. Encourage mixed-use redevelopment of urban character along Broadway and Avenue B.
 - Allow for neighborhood-oriented business and redevelopment of the area.
 - Redevelop Broadway and Avenue B as urban corridors with consistent street edges.
- C. Maintain scenic open space and the natural character of the River, particularly through Brackenridge Park.
 - Maintain scenic open space and natural character of the River, particularly through Brackenridge Park, so that it is in character with its nearby residential neighbors; residents should be able to easily access this open space while maintaining their sense of privacy.

(2) Design Objectives for "RIO-2" River Improvement Overlay District-2

- A. Encourage high-density, mixed-use developments as extensions of the downtown core.
 - Extend the urban character of downtown, as perceived from the river, throughout RIO-2 so that it becomes a high density, mixed-use area.
 - Create a positive pedestrian experience as perceived at the street edge.
- B. Encourage neighborhood and cultural tourism oriented uses as well as those that provide additional housing for downtown workers.
- C. Enhance the pedestrian experience with high quality streetscape designs and links to the public river walk.
 - Emphasize the street edge to enhance the pedestrian experience through continuous building walls and well-designed streetscape.
 - Link the public River Walk with street edges to maintain adequate pedestrian circulation and views of both the street and the river.
 - Maximize usable open space to provide opportunities for passive recreation and community gathering.

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- D. Enhance the pedestrian experience with high-quality building designs that include balconies facing the river and primary entrances facing the street.
- Design buildings to maintain the human scale of the environment.
 - Ensure adequate solar access.
 - Use varied materials and forms, including balconies, to provide visual interest.
 - Orient primary building entrances toward the street, but buildings should also have entrances facing the river, which are subordinate in character and scale to street entrances.

(3) Design Characteristics of "RIO-3" River Improvement Overlay District – 3

- A. The historic work of Robert Hugman, CCC and WPA construction work, Ethel Harris tile work, and work of the National Youth Administration shall be respected and preserved in all construction efforts. Adherence to the intent and spirit of those plans is essential in all construction.
- B. Traditional, formal street level design precedents shall be respected, but at the river level, the more informal, handcrafted style shall be maintained.
- C. The integrity of historic properties shall be preserved as provided for in Section 35-610. Historic differences between street level designs and river level designs shall be respected.
- D. The traditional design context of the area shall be respected at two levels: the broader downtown context and the immediate block as it faces the river.
- In new buildings that have more than one façade, such as those that face the street and the river, the Commission shall consider visual compatibility with respect to each important façade.
- E. The microclimate of the river walk level shall be maintained and, during construction, shall be given extra protection. River operations staff will be consulted to provide specific instructions for construction procedures.
- Over-crowding of plant life or altering levels of light and water along the river shall not be permitted.

(4) Design Objectives for "RIO-4" River Improvement Overlay District - 4

- A. Encourage urban quality mixed-use developments.
- B. Preserve and enhance historic character as well as emphasize street scene.
- Construct new development that complements nearby historic King William area but does not mimic its style.
- C. Encourage new development in clustered nodes.

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- Development nodes should overlook the river, or be located at major intersections.

(5) Design Objectives for "RIO-5" River Improvement Overlay District-5

- A. Maintain the residential character of the area while encouraging development of new mixed-use nodes that offer neighborhood shopping and services.
- B. Respect established neighborhoods in new top-of-bank riverscape designs, particularly recreational opportunities that require parking or transport of recreational equipment.

(6) Design Objectives for "RIO-6" River Improvement Overlay District- 6.

- A. Maintain the historic rural Texas character while encouraging development of new and mixed-use nodes.
- B. Maintain the natural quality at the top of the riverbank using native plants and minimizing formally landscaped areas. Maintain natural character of River.

(Ord. No. 95352 § 3 Attachment 2)

35-671 Criteria for a Certificate of Appropriateness -- New Construction, Additions and Alterations

In considering whether to recommend approval or disapproval of an application for a certificate of appropriateness for new construction, additions or alterations in a River Improvement Overlay District, the Historic and Design Review Commission shall be guided by the compatibility standards set forth below. In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face both a street and the San Antonio River, the Historic and Design Review Commission shall consider the visual compatibility standards below with respect to each facade.

(Ord. No. 95352 § 3 Attachment 2)

35-672 Neighborhood Wide Design Standards

This section focuses on the urban design concepts that connect individual properties and help knit them together into the fabric of the community. These concepts include the basic arrangement of streets and lots, view corridors and circulation patterns. The standards apply to all development in the six River Improvement Overlay Districts.

(Ord. No. 95352 § 3 Attachment 2)

(a) Pedestrian Circulation

Pedestrian access shall be provided among properties to integrate neighborhoods.

35-672(a) continued

(1) Provide sidewalks that link with existing sidewalks on adjoining properties

If no sidewalk currently exists on an adjoining property, the applicant will have discretion in the placement of the sidewalk provided the following criteria are met:

- A. Provide a sidewalk connection from one side of the applicant's property to the other, parallel to the public right-of way, on the street sides of the property in all River Improvement Overlay Districts
- B. Provide a connection from the street level sidewalk to the river walk at cross streets and bridges. This requirement may be waived if there is already a public connection from the street level to the river walk.
- C. In order to preserve the rural character of RIO-6, the HPO, in coordination with the Development Services Department, may waive the requirement of sidewalks.
- D. In RIO-3, the width of the pathway along the river shall match those widths established in the historic Hugman drawings. If there are no sidewalks in the Hugman drawings, the path will not exceed 8'-0" in width.

(2) Link the various functions and spaces on a site with sidewalks in a coordinated system

Provide pedestrian sidewalks between buildings, parking areas and built features such as outdoor plazas and courtyards. (see Figure 672-1)

(3) Paving materials

Paving materials for pedestrian pathways shall use visually and texturally different materials than those used for parking spaces and automobile traffic.

- A. Paving materials for pedestrian pathways shall be either:
 - Broom-finished, scored, sand-blasted or dyed concrete.
 - Rough or honed finished stone.
 - Brick or concrete pavers.
 - Other materials that meet the performance standards of the above materials.
- B. Asphalt is permitted for pedestrian pathways that also are Designated Bike Routes by the City of San Antonio. The Public Works Department will maintain the designated bike route locations.

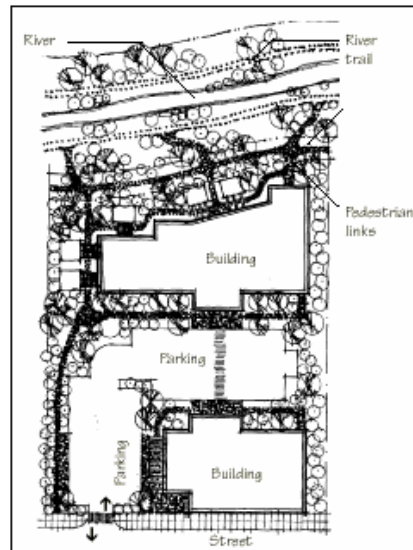


Figure 672-1

35-672(a) continued

(4) Street Connections to River

Retain the interesting and unique situations where streets dead-end at the River, creating both visual and physical access to the river for the public.

(5) *In RIO-3, pedestrian access along the River Walk pathway shall not be blocked.*

- A. Queuing is prohibited on the river walk pathway.
- B. Hostess stations shall be located away from the river walk pathway so as to not inhibit pedestrian flow on the river walk pathway. That is, the hostess station shall not be located in such a manner to cause a patron who has stopped at the hostess stand to be standing on the river walk pathway. Pedestrian flow shall be considered "inhibited" if a pedestrian walking along the pathway has to swerve, dodge, change direction or come to a complete stop to avoid a patron engaged at the hostess stand.
- C. Tables and chairs shall be located a sufficient distance from the river walk pathway so that normal dining and service shall not inhibit the flow of pedestrian traffic. See inhibited definition above.

(Ord. No. 95352 § 3 Attachment 2)

(b) Automobile Access and Parking

Automobile circulation should be efficient, and conflicts with pedestrians minimized. Entry points for automobiles should be clearly defined and connections to auto circulation on adjoining properties is encouraged to facilitate access and reduce traffic on abutting public streets.

(1) Curb Cuts

- A. Limit curb cuts to 2 on parking areas or structures facing only one street, and one for each additional street face. The prohibition of additional curb cuts may be waived, by the HDRC, where the intent of the standards are clearly met and specific site circulation patterns require an additional curb cut, such as on long parcels or at nodes.
- B. Curb cuts may be no larger than 30' 0." Continuous curb cuts are prohibited.
- C. Sharing curb cuts between adjacent properties, such as providing cross property access easements, is permitted.

(2) Location of Parking Areas

- A. Locate parking areas, that is any off-street, ground level surface used to park cars or any parking structure, toward the interior of the site or to the side of a building.
- B. The extent of parking area that may be located along the street edge or riverside shall be limited to a percentage of the lot line as per Table 672-1 as measured in a lineal direction parallel to the lot line. All parking within a 30 foot set back from the above mentioned lot line shall comply with the

35-672(b) continued

requirements of the table. Where parking is located on corner sites only one lot line has to meet the requirements of the table.

Table 672-1

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|------------------------------|-------|-------|-------|-------|-------|-------|
| Max. % Coverage of Lot Line* | 0% | 0% | A | 0% | 0% | 0% |
| Buffering Required? | Yes | Yes | Yes | Yes | Yes | Yes |

* Maximum length of parking lot allowed along the property line at the street. If applicable, maximum length of parking lot allowed along the riverside edges.

(3)

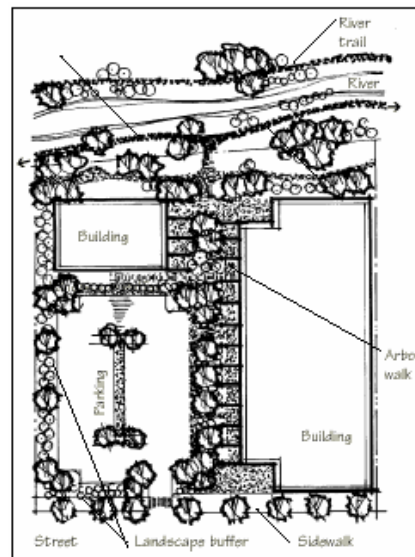
Screen or buffer parking areas from view of public streets, the River or adjacent residential uses. (see Figure 672-2)

Parking lots and parking structures shall be screened with a landscape buffer as per the Illustrations of Buffer Yards and Table 510-2 if the parking area meets one of the following conditions:

- within a 50 foot setback from the edge of the River ROW use, at a minimum, Type E
- within a 20 foot setback from a property line adjacent to a street use, at a minimum, Type B.
- within a 20 foot set back of commercial or industrial property that abuts a residential property use, at a minimum, Type C.

The buffering requirements can be waived in front of:

- retail space on the ground floor of a parking structure provided the retail space has at least 50% of its linear street frontage as display windows.
- A mural or public art component approved by the HDRC on the parking structure. A waiver of the landscaping buffer for billboards, advertising and signage on parking structures is expressly prohibited.



(4) Parking structures shall be compatible with buildings in the surrounding area.

A parking garage will be considered compatible if:

- A. It does not vary in height by more than 30% from another building on the same block face.

35-672(b) continued

- B. It uses materials that can be found on other buildings within the block face, or in the block face across the street.

(5) Parking structures shall provide clearly defined pedestrian access

Pedestrian entrances and exits shall be accentuated with directional signage, lighting or architectural features, so that pedestrians can readily discern the appropriate path of travel to avoid pedestrian/auto conflicts.

(6) Parking lots shall not drain directly into the river

(Ord. No. 95352 § 3 Attachment 2)

(c) Views

The River's course (both natural and manmade), and San Antonio's street pattern, creates unique views of certain properties from the public ROW. These properties often occur at prominent curves in the river or where a street changes direction and a property appears to be a terminus at the end of a street.

(1) Architectural Focal Point

When a property is situated in such a manner as to appear to be the terminus at the end of the street or at a prominent curve in the river, the building shall incorporate into its design an architectural feature that will provide a focal point at the end of the view. (see Figure 672-3) An architectural feature will be considered to be a focal point through any of the following methods, but not limited to:

- Additional height
- Creation of a tower
- Variation in roof shape
- Change of color or materials
- Addition of a design enhancement feature

Billboards, advertising and signage are expressly prohibited as appropriate focal points.

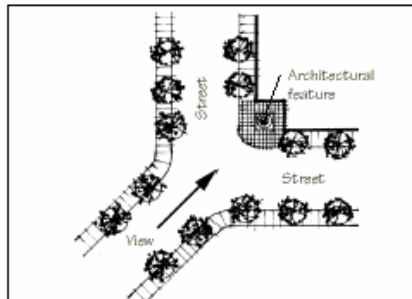


Figure 672-3

(Ord. No. 95352 § 3 Attachment 2)

35-673 Site Design Standards

This section focuses on the design concepts for an individual site and helps create a cohesive design that recognizes the unique opportunities of developing a site near the river. These include building placement, orientation and setbacks; and the design of the outdoor space.

(Ord. No. 95352 § 3 Attachment 2)

(a) Solar Access

The intent of providing and maintaining solar access to the San Antonio River is to protect the River's specific ecoclimate. The River has a special microclimate of natural and planted vegetation that requires certain levels and balanced amounts of sunlight, space and water. Development must be designed to respect and protect those natural requirements, keeping them in balance and not crowding or altering them so that vegetation does not receive more or less space and water, but particularly sunlight, than is required for normal expected growth.

(1) Building Massing to Provide Solar Access to the River

Building massing shall be so designed as to provide direct sunlight to vegetation in the River channel as defined:

- A. The area to be measured for solar access shall be a 30-foot setback from the River's edge or from the River's edge to the building face, whichever is lesser, parallel to the River for the length of the property.
- B. The solar calculations shall be measured exclusive to the applicant's property, that is, shades and shadows of other buildings shall not be included in the calculations. The solar calculations shall only measure the impact of new construction and additions, the shading impact of historic buildings on the site, may be excluded from the calculations.
- C. The defined area shall receive a minimum of 5.5 hours of direct sunlight, measured at the winter solstice and 7.5 hours of direct sunlight, measured at the summer solstice.
- D. Those properties located on the south side of the River (whose north face is adjacent to the River), shall only be required to measure the sunlight in the 30-foot set back on the opposite bank of the River.
- E. Those properties within the River Improvement Overlay District not directly adjacent to the river are still subject to the provisions of this section. To determine the solar access effect of these buildings on the river the applicant must measure the nearest point to the river of an area defined by a 30 foot set back from the rivers edge, parallel to the river for the length of their property that would be affected by their building. For those buildings on the south side of the river, the 30-foot setback shall be measured only on the opposite bank.
- F. However, in those cases where the above conditions cannot be met due to the natural configuration of the river, existing street patterns, or existing buildings, the HDRC may approve a buildings mass that does not decrease the hours of sunlight currently received at the defined area.
- G. If there is a conflict with this section and another section of the code this section shall prevail.

(2) Prohibition of structures, buildings, roofs or skywalks over the river channel

35-673(a) continued

No structure, building, roof or skywalk may be constructed over the river channel, or by-pass channel with the exception of structures for flood control purposes, open air pedestrian bridges at ground or river level, and street bridges. The river channel is the natural course of the river as modified for flood control purposes and the Pershing-Catalpa ditch

(Ord. No. 95352 § 3 Attachment 2)

(b) Building Orientation

Buildings should be sited to help define active spaces for area users, provide pedestrian connections between sites, help animate the street scene and define street edges. Consideration to both the street and riverside should be given. The placement of a building on a site should therefore be considered within the context of the block, as well as how the structure will support the broader design goals for the area.

(1) Two or More Buildings on a Site

- A. Cluster buildings to create active open spaces such as courtyards along the street and river edges. Site plazas and courtyards, if possible, so that they are shaded in the summer and are sunny in the winter.

(2) Primary and Secondary Entrances. (see Figure 673-1)

- A. Orient a building's primary entrance toward the street with subordinate entrances located on the riverside and/or the interior of the property. On a major thoroughfare street, it is acceptable to provide the primary entrance through a common courtyard and then to a street.

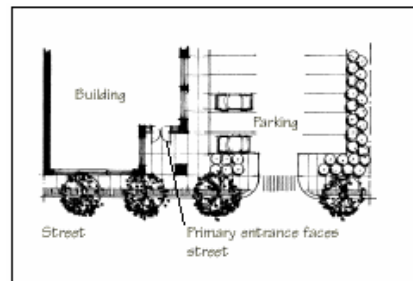


Figure 673-1

- B. The primary entrance shall be distinguished by architectural features such as, but not limited to: an entry portal; change in material or color; change in scale of other openings; addition of columns, lintels or canopies.
- C. Secondary entrances should have architectural features that are subordinate to the primary entrance in scale and detail. For purposes of this ordinance subordinate means that the entrance is smaller in height and width, and has fewer or simpler architectural elements.

(Ord. No. 95352 § 3 Attachment 2)

(c) Topography and Drainage

The natural contours of occasional hillsides and riverbanks contribute to the distinct character of the San Antonio River and should be considered in site designs for new development. Site plans should minimize the need for cut and fill. Where it does occur, it should

35-673(c) continued

be considered as an opportunity for positive enhancements through creative use of terraces and retaining walls.

(1) Visual Impacts of Cut and Fill

Divide a grade change of more than 10 vertical feet into a series of benches and terraces. Terrace steep slopes following site contours. When creating site benches, using sloped "transitional areas" as part of the required landscaping is appropriate.

(2) Minimize the Potential for Erosion at the Riverbank

Grade slopes at a stable angle not to exceed 4:1 and provide plant material that will stabilize the soil such as vigorous ground covers, vines or turf planting, but not limited to: Asiatic Jasmine or Coastal Bermuda, bear grass, skullcap, crossvine, or muhly grasses. Use of stabilizing materials such as geo-web or geo-grid is permitted as long as plant material is used to conceal the grid.

Use of terraced walls is permitted when there is a slope of more than 4:1.

(3) Retaining Walls

Limit the height of a retaining wall to less than 6 feet. If the retaining wall must exceed 6 feet, a series of 6-foot terrace walls is acceptable. Walls at dams and locks are excluded from this requirement. If in the opinion of the Historic Preservation Officer a higher wall is consistent with the adopted conceptual plan of the river, a higher wall (not to exceed 12 feet) is allowed. Materials used for the walls may include limestone, stucco, brick, clay, tile, timber, or textured concrete. (see Figure 673-2)

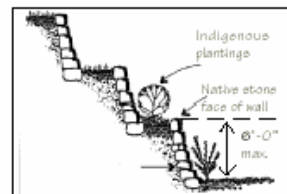


Figure 673-2

(4) Enhance or incorporate acequias into the landscape design and drainage scheme of the site

Where archeological evidence indicates a site contains or has contained a Spanish colonial acequia, incorporate the original path of the acequia as a natural drainage way or a landscape feature of the site by including it as part of the open space plan, and a feature of the landscape design.

(5) Design a storm water detention facility to be a landscape amenity

If a storm water detention facility is required, create a sloping lawn (less than 3:1) or a stepped terrace as a detention area. Create a hardscape patio that can be used as a detention pond. Using a parking lot or a concrete holding tank as a detention pond is prohibited. (see Figure 673-3)

(6) Walls and Fences at Detention Areas

- A. When the topography of the site exceeds a 4:1 slope and it becomes necessary to use a

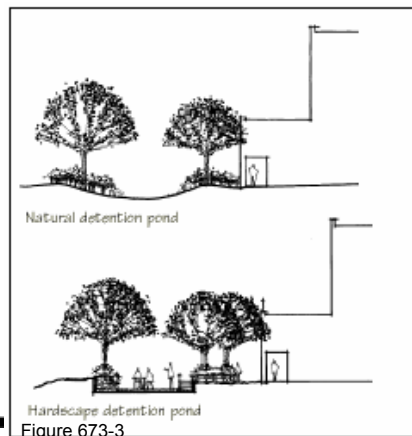


Figure 673-3

35-673(c) continued

masonry wall as part of the detention area, use a textured surface and incorporate plant materials, such as rosemary or river fern or other similar plants, that will drape over the edge to soften the appearance of the structure.

- B. When a fence is needed around the perimeter of the pond, the use of solid board or chain link fence with slats is prohibited. A dark vinyl coated chain link fence, welded wire, tubular steel, wrought iron or garden loop is permitted.

(7) Roof Drainage into the River

- A. All roof drainage and other run-off drainage shall conform to Public Works Department standards so that they drain into sewer and storm drains rather than the River. Drainage of this type shall not be piped into the River unless the outlet is below the normal waterline of the River at normal flow rates.
- B. All downspouts or gutters draining water from roofs or parapets, shall be extended underground under walks and patios to the San Antonio rivers edge or storm water detention facility so that such drainage will not erode or otherwise damage the River Walk, landscaping or river retaining walls.
- C. All piping and air-conditioning wastewater systems shall be kept in good repair. Water to be drained purposely from these systems, after being tested and adjudged free from pollution, shall be drained in the same manner prescribed in 7(A) above.

(Ord. No. 95352 § 3 Attachment 2)

(d) Riverside Setbacks

Riverside setbacks for both buildings and accessory structures are established to reinforce the defined character of the specific River Improvement Overlay District and help to define an edge at the river pathway that is varied according to the relationship of the river and the street. In the more urban areas, buildings should align closer to the river edge, while in more rural areas the buildings should be set farther away.

(1) Setback requirements are per the following Table 673-1.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|---------------------|--------|--------|-------|--------|--------|---------|
| Riverside Setback * | 20 ft. | 15 ft. | 0 ft. | 20 ft. | 50 ft. | 100 ft. |

* Along the riverside, the setback is measured from the inside edge of the riverside property line. If the property line is located below the top of bank, the setback will be measured from the top-of-bank.

Table 673-1

(2) Designation of a development node district provides for a maximum riverside setback of 0 feet

(Ord. No. 95352 § 3 Attachment 2)

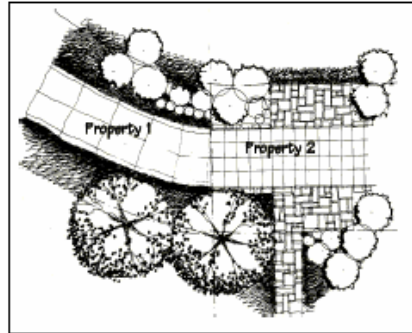
(e) Landscape Design

Lush and varied landscapes are part of the tradition of the San Antonio River. These design standards apply to landscaping within an individual site. Additional standards follow that provide more specific standards for the public pathway along the River and street edges.

Figure 673-4

(1) Provide Variety in Landscape Design

Provide variety in the landscape experience along the River by varying landscape designs between properties. No more than 75% of the landscape materials, including plants, shall be the same as those on adjacent properties. (see Figure 673-4)

**(2) Planting Requirements in open space abutting the river**

On publicly-owned land leased by the adjoining property owner, if applicable, and/or within privately owned set backs adjacent to the river, a minimum percentage of the open space, excluding building footprint, lease space under bridges and parking requirements, are required to be planted according to Table 673-2.

- A.** Planting requirements shall be provided in planting beds. Plants in pots are permitted, but will not be counted toward the planting requirements set out in Table 673-2.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|-------------------|-------|-------|-------|-------|-------|-------|
| Required Planting | 60% | 50% | 25% | 60% | 60% | 70% |

Table 673-2

- B.** In RIO-3, if existing conditions don't meet the standards as set out in Table 673-2, the owner or lessee will not have to remove paving to add landscaping in order to meet the standards until there is a substantial remodeling of the outdoor area. Substantial remodeling will include replacement of 75% of the paving materials, or replacement of balcony and stair structures.

(Ord. No. 95352 § 3 Attachment 2)

(f) Plant Materials

A number of soil conditions converge in the San Antonio area to create unique vegetation ecosystems. Along the route of the San Antonio River, the soil conditions vary greatly from the northern boundary near Hildebrand to the city limits near Mission Espada and therefore native and indigenous plants will vary accordingly. Landscaping selections should reflect the unique soil characteristics of the specific site.

35-673(f) continued

(1) Incorporate existing vegetation.

Extend the use of landscape materials, including plants, shrubs and trees that are used in the public areas of the river onto adjacent private areas to form a cohesive design.

(2) Use indigenous species or species recommended by the San Antonio Department of Parks and Recreation, and the Bexar County Extension Service.

- A. Drought and disease resistant plants such as, but not limited to, crepe myrtles, autumn sage, and cenizo are recommended, as well as plants native to the San Antonio area, such as mountain laurels, big bluestem grass and turk's cap.
- B. Extensive pruning are restricted to limited use as accent planting.
- C. In RIO-3, plantings of tropical and semi-tropical plants with perennial background is permitted.

(3) Install trees to provide shade and to separate pedestrians from automobile traffic.

Install street trees along the property line or in the ROW abutting all streets according to minimum requirement standards established in Section 35-512 (b), except where this conflicts with existing downtown Tri-Party improvements in RIO-3. In RIO-3 the owner has the option of placing trees at the property line, or along the street edge.

(Ord. No. 95352 § 3 Attachment 2)

(g) Paving Materials

An important San Antonio landscape tradition is the use of decorative surfaces for paving and other landscape structures. Paving materials and patterns should be carefully chosen to preserve and enhance the pedestrian experience.

(1) Vary walkway, patio and courtyard paving to add visual interest on the riverside of properties abutting the river.

- A. A maximum of 600 square feet is allowed for a single paving material before the paving material must be divided or separated with a paving material that is different in texture, pattern, color or material. A separation using a different material must be a minimum of 24 inches wide, the full width of the pathway.
- B. A maximum of 100 lineal feet is allowed in a walkway before the pattern must change in districts RIO-2, RIO-3, and RIO-4. A maximum of 528 lineal feet is allowed before the pattern must change in districts RIO-1, RIO-5 and RIO-6. The change of material at 528 lineal feet will define and delineate 1/10-mile markers.
- C. In RIO-3, the River Walk pathway shall be delineated by using a separate material that is clearly distinguished from the adjacent patio paving

35-673(g) continued

materials. If the historic Hugman drawings indicate a sidewalk width and pattern on the site, that paving pattern and material shall be replicated.

(Ord. No. 95352 § 3 Attachment 2)

(h) Site Walls and Fences

Site walls and fences are used to help divide spaces, screen unsightly objects and provide privacy. However, the character of the San Antonio River is such that walls shall not be erected in such a way as to block views of the river from public spaces.

(1) Use of site walls to define outdoor spaces

- A. Use of low scale walls (24" to 48") to divide space, create a variety in landscaping and define edges is permitted.
- B. Solid walls (up to 72") are permitted to: screen mechanical equipment, garbage receptacles and other unsightly areas; and provide privacy at the back of lots up to the front building face.

(2) Site wall and fence materials

- A. On properties abutting the river, site walls and fence materials may be constructed of: stone, block, tile, stucco, wrought iron, tubular steel, welded wire or a combination of masonry and metal, cedar posts and welded wire or garden loop or other materials having similar characteristics. All other properties, not abutting the river may use the above listed materials plus wood fencing.
- B. All chain link fences are prohibited in RIO-3. Chain link fences are also prohibited in RIO-1 & 2, except for dark vinyl coated chain link fences used in conjunction with landscape buffering and screened with plantings. Chain link fences are permitted in RIO-4, 5 & 6, except for property directly abutting the river.

(Ord. No. 95352 § 3 Attachment 2)

(i) Street Furnishings

Street furnishings are exterior amenities, including but not limited to tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and similar items that help to define pedestrian use areas. Handcrafted street furnishings are particularly important in San Antonio, and therefore this tradition of craftsmanship and of providing street furniture is encouraged.

(1) Prohibited Street Furnishings in River Walk Area of RIO-2 and RIO-3

The following street furnishings are prohibited within the publicly owned portion of the River, whether or not the property is leased, and on the exterior of the riverside of buildings directly adjacent to the publicly owned portion of the river:

35-673(i) continued

- A. Vending Machines
- B. Automatic Teller Machines
- C. Pay phones
- D. Photo booths
- E. Automated machines such as, but not limited to, penny crunching machines, blood pressure machines, fortune-telling machines, video games, animated characters and other machines that are internally illuminated, or have moving parts, or make noise, or have flashing lights.
- F. Inanimate figures such as horses, kangaroos, bears, gorillas, mannequins or any such animal, cartoon or human figure. This section does not affect public art as defined in Appendix A of this Chapter.

(2) Street Furnishing Materials

- A. Street furnishings shall be made of wood, metal, stone, terra cotta, cast stone, hand-sculpted concrete, or solid surfacing material, such as Corian or Surell.
- B. Inexpensive plastic resin furnishings are prohibited in RIO-3, but are permitted in all other districts.

(3) Advertising on Street Furnishings

- A. No commercial logos, trademarks, decals, product names whether specific or generic, or names of businesses and organizations shall be allowed on street furnishings within RIO-3
- B. Product or business advertising is prohibited on all street furnishings.

(4) Street furnishings, such as tables and chairs may not be stored (other than overnight storage) in such a way as to be visible from the river pathway

(Ord. No. 95352 § 3 Attachment 2)

(j) Lighting

Site lighting should be considered an integral element of the landscape design of a property. It should help define activity areas and provide interest at night. At the same time, lighting should facilitate safe and convenient circulation for pedestrians, bicyclists and motorists. Overspill of light and light pollution should be avoided.

- (1) Site lighting shall be shielded by permanent attachments to light fixtures so that the light sources are not visible from a public way and any offsite glare is prevented**
 - A. Site lighting shall include illumination of parking areas, buildings, pedestrian routes, dining areas, design features and public ways.

35-673(j) continued

- B. Outdoor spaces adjoining and visible from the River right-of-way shall have average ambient light levels of between 1 and 3 foot-candles with a minimum of 0.5-foot candles and a maximum of 6 foot-candles at any point measured on the ground plane. Interior spaces visible from the River right-of-way on the river level and ground floor level shall use light sources with no more than the equivalent lumens of a 100-watt incandescent bulb. Exterior balconies, porches and canopies adjoining and visible from the River right-of-way shall use light sources with the equivalent lumens of a 60-watt incandescent bulb with average ambient light levels no greater than the lumen out put of a 100-watt incandescent light bulb as long as average foot candle standards are not exceeded. Accent lighting of landscape or building features including specimen plants, gates, entries, water features, art work, stairs, and ramps may exceed these standards by a multiple of 2.5. Recreational fields and activity areas that require higher light levels should be screened from the River hike and bike pathways with a landscape buffer.
- C. Exterior light fixtures that use the equivalent of more than 100 watt incandescent bulbs shall not emit a significant amount of the fixture's total output above a vertical cut-off angle of 90 degrees. Any structural part of the fixture providing this cut-off angle must be permanently affixed.
- D. Lighting spillover to the publicly owned areas of the river or across property lines shall not exceed one-half of one foot-candle measured at any point ten feet beyond the property line.

(2) Provide lighting for pedestrian ways that is low scaled for walking

- A. The position of a lamp in a pedestrian-way light should not exceed fifteen (15) feet in height above the ground.

(3) Light temperature and color

- A. Light temperature and color shall be between 2500 °K and 3500° K and a color rendition index (CRI) of 80 or higher. This restriction is limited to all outdoor spaces adjoining and visible from the River right-of-way and from the interior spaces adjoining the River right-of-way on the river level and ground floor level. Levels shall be determined by product specifications.

(4) Minimize the visual impacts of exterior building lighting

- A. All flood lamps should be shielded so that the light sources are not visible from a public way.
- B. Lighting (uplighting and downlighting) that is positioned to highlight a building or outdoor artwork shall be aimed at the object to be illuminated, not pointed into the sky.
- C. Fixtures shall not distract from, or obscure important architectural features of the building. Lighting fixtures shall be a subordinate feature on the building unless, they are incorporated into the over-all design scheme of the building.

35-673(j) continued

(5) Prohibited Lighting on the Riverside of Properties Abutting the River

- A. Flashing lights
- B. Rotating lights
- C. Chaser lights
- D. Exposed neon
- E. Seasonal decorating lights such as festoon, string or rope lights, except between November 26 and January 4.

(6) Minimize the visual impacts of lighting in parking areas in order to enhance the perception of the nighttime sky and to prevent glare onto adjacent properties.

(Ord. No. 95352 § 3 Attachment 2)

(k) Curbs and Gutters**(1) Construct curb and gutter along the street edge of a property.**

- A. Install curbs and gutter along the street edge at the time of improving a parcel.
- B. In order to preserve the rural character of RIO-6, the HPO in coordination with the Development Services Department may waive the requirement of curbs and gutters.

(Ord. No. 95352 § 3 Attachment 2)

(l) Access to Public Pathway along the River

These requirements are specifically for those properties adjacent to the river to provide a connection to the publicly owned pathway along the river. The connections are to stimulate and enhance urban activity, provide path connections in an urban context, enliven street activity, and protect the ambiance and character of the river area.

(1) A stair, ramp or elevator connecting the publicly owned pathway at the river to private property along the river is allowed by right at the following locations:

- A. At all street and vehicular bridge crossings over the river.
- B. Where publicly owned streets dead end into the river.
- C. Where the public river walk path is located at the top of bank and there is a two (2) foot or less grade change between the private property and the river walk path.

(2) If there is a grade change greater than two (2) feet between the private property and the publicly owned pathway at the river then the following conditions apply:

- A. Access to the publicly owned pathway is limited to one (1) connection per property, with the exception that connections are always allowed at street and vehicular bridge crossings. For example if one property extends the entire block

35-673(l) continued

face from street crossing to street crossing the owner would be allowed three (3) access points if the distance requirements were met.

- B. The minimum distance between access points shall be ninety-five (95) feet. Only street and vehicular bridge connections are exempted. Mid block access points must meet this requirement.
 - C. Reciprocal access agreements between property owners are permitted.
- (3) **Clearly define a key pedestrian gateway into the site from the publicly owned pathway at the river with distinctive architectural or landscape elements.**
- A. The primary gateway from a development to the publicly owned pathway at the river shall be defined by an architectural or landscape element made of stone, brick, tile, metal, rough hewn cedar or hand-formed concrete or through the use of distinctive plantings or planting beds.

(Ord. No. 95352 § 3 Attachment 2)

(m) Buffering and Screening

The manner in which screening and buffering elements are designed on a site greatly affects the character of the river districts. In general, parking and service areas should be screened or buffered. "Buffers" are considered to be landscaped berms, planters or planting beds; whereas, more solid "screens" include fences and walls. When site development creates an unavoidable negative visual impact on abutting properties or to the public right of way, it should be mitigated with a landscape design that will buffer or screen it.

(1) Landscape buffers shall be used in the following circumstances:

To buffer the edges of a parking lot from pedestrian ways and outdoor use areas, (such as patios, and courtyards), and as an option to screening in order to buffer service areas, garbage disposal areas, mechanical equipment, storage areas, maintenance yards, equipment storage areas and other similar activities that by their nature create unsightly views from pedestrian ways, streets, public ROWs and adjoining property.

(2) Screening elements shall be used in the following circumstances:

to screen service areas, storage areas, or garbage areas from pedestrian ways.

(3) Exceptions for site constraints

Due to site constraints, in all RIOs and specifically for RIO-3 where there is less than ten (10) feet to provide for the minimum landscape berm, a screen may be used in conjunction with plantings to meet the intent of these standards. For example a low site wall may be combined with plant materials to create a buffer with a lesser cross-sectional width. (see Figure 673-8)

Figure 673-8



Article 6 Historic Preservation & Urban Design

July 2004

35-673(m) continued

(4) Applicable Buffer Yard types

Table 510-2 establishes Minimum Plant Materials Required for Each Buffer Yard Type. For purposes of this section, Type C shall be the acceptable minimum type.

(5) Applicable Screening Fence and Wall Types.

Screening fences and walls shall be subject to conditions of Section 35-673 (h) Walls and Fences.

(Ord. No. 95352 § 3 Attachment 2)

(n) Service Areas and Mechanical Equipment

Service areas and mechanical equipment should be visually unobtrusive and should be integrated with the design of the site and building. Noise generated from mechanical equipment should not be intrusive on the pedestrian experience along the river.

(1) Locate service entrances, waste disposal areas and other similar uses adjacent to service lanes and away from major streets and the river.

- A. Position utility boxes so that they cannot be seen from the public river walk path, or from major streets, by locating them on the sides of buildings and away from pedestrian and vehicular routes. Locating them within interior building corners, at building offsets or other similar locations where the building mass acts as a shield from public view is preferred.
- B. Orient the door to a trash enclosure to face away from the street when feasible.
- C. Air intake and exhaust systems, or other mechanical equipment that generates noise, smoke or odors, shall not be located on the riverside of buildings.

(2) Screening of service entrance shall be compatible with the buildings on the block face.

- A. When it would be visible from a public way, a service area should be visually compatible with the buildings on the block face.
- B. A wall will be considered compatible if it uses the same material as other buildings on the block, or is painted a neutral color such as beige, gray or dark green or if it is in keeping with the color scheme of the adjacent building.

(Ord. No. 95352 § 3 Attachment 2)

35-674 Building Design Principles

This section provides policies and standards for the design of commercial, multifamily developments in excess of 8 units, and single-family developments in excess of 5 units or 5

35-674 continued

acres, institutional developments, and industrial buildings within the River Improvement Overlay Districts. In general, principles focus on promoting buildings that will be compatible in scale and appear to “fit” in the community by using materials and forms that are part of the San Antonio design traditions. The policies and standards also promote designs that enhance the streets in the area, as well as the River Walk, as places for pedestrians. As such, the policies and guidelines address only broad-scale topics and do not dictate specific design solutions, architectural styles, or details with the exception that the standards for RIO-3 contain more specific requirements.

(Ord. No. 95352 § 3 Attachment 2)

(a) Architectural Character

A basic objective for architectural design in the River Improvement Overlay Districts is to encourage the reuse of existing buildings and construction of new, innovative designs that enhance the area, and help to establish distinct identities for each of the zone districts. At the same time, these new buildings should reinforce established building traditions and respect the contexts of neighborhoods.

When a new building occurs, it should be designed in a manner that reinforces the basic character-defining features of the area. Such features include the way in which a building is located on its site, the manner in which it faces the street and its orientation to the river. When these design variables are arranged in a new building to be similar to those seen traditionally, visual compatibility results.

(1) New interpretations of traditional building types is permitted.

- A. A new design shall draw upon the fundamental similarities among older buildings in the general area.

(Ord. No. 95352 § 3 Attachment 2)

(b) Mass and Scale

A building should appear to have a “human scale”. In general, this scale can be accomplished by using familiar forms and elements interpreted in human dimensions. Exterior wall designs should help pedestrians establish a sense of scale with relation to each building. Articulating the number of floors in a building can help to establish a building’s scale, for example, and prevent larger buildings from dwarfing the pedestrian.

(1) Express façade components in ways that will help to establish building scale.

- A. Treatment of architectural facades should contain a discernable pattern of mass to void, or windows and doors to solid mass. Openings should appear in a regular pattern, or be clustered to form a cohesive design. Architectural elements such as columns, lintels, sills, canopies, windows and doors should align with other architectural features on the adjacent facades.

(2) Align horizontal building elements with others in the blockface to establish building scale.

35-674(b) continued

- A. Align at least one horizontal building element with another horizontal building element on the same block face. It will be considered to be within alignment if it is within three (3) feet, measured vertically, of the existing architectural element.

(3) Express the distinction between upper and lower floors in commercial and mixed-use buildings.

- A. Develop the first floor as primarily transparent. The building façade facing a major street shall have at least thirty percent (30%) of the street level façade area devoted to display windows and/or windows affording some view into the interior areas. Multi-family residential buildings with no retail or office space are exempt from this requirement.

(4) Where a building façade faces the street or river and exceeds the maximum façade length allowed in Table 674-1, divide the façade of building into modules that express traditional dimensions.

- A. The maximum length of an individual wall plane that faces a street or the River shall be as shown in Table 674-1.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|-----------------------|--------|--------|--------|--------|---------|--------|
| Maximum Façade Length | 50 ft. | 50 ft. | 30 ft. | 75 ft. | 100 ft. | 50 ft. |

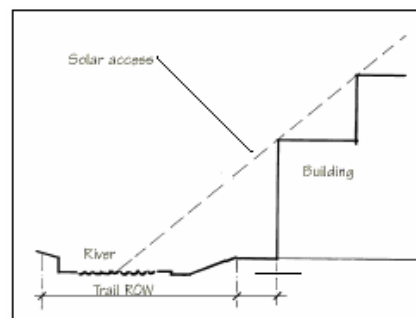
Table 674-1

- B. If a building wall plane facing the street or river and exceeds the length allowed in Table 674-1, employ at least two of the following techniques to reduce the perceived mass:
- Change materials with each building module to reduce its perceived mass; or
 - Change the height with each building module of a wall plane. The change in height shall be at least 10 % of the vertical height; or
 - Change the roof form of each building module to help express the different modules of the building mass; or
 - Change the arrangement of windows and other façade articulation features, such as, columns, pilasters or strap work, which divides large planes into smaller components.

(5) Organize the mass of a building to provide solar access to the river. (see Figure 674-1)

- A. One method of doing so is to step the building down toward the river to meet the solar access requirements of 35-673 (a).
- B. Another method is to set the building back from the river a distance sufficient to meet the solar access requirements of 35-673 (a).

Figure 674-1



35-674(b) continued

(6) Organize the mass of the building to step back from residential uses.

Where a commercial, mixed-use residential, multifamily or industrial use abuts a single family residential development, or is across the street from a single family residential development, the following standards shall apply:

- A. The massing of the building shall not exceed twenty-five (25) feet in height at the setback line. The building mass can continue upward within a 45 degree building envelope for a distance of 50 feet measured horizontally from the building face, at which point the building massing may continue vertically to the height established in section 35-674 (c).

(7) For properties abutting the river in RIO-2, organize the mass of the building(s) to create courtyard or open spaces facing the river.

- A. In order to maximize a building's frontage along the river, building masses along the river that are greater than three (3) stories shall provide a courtyard with one open side to the river.

(Ord. No. 95352 § 3 Attachment 2)

(c) Height

Building heights vary along the river corridor, from one-story houses to high-rise hotels and apartments. This diversity of building heights is expected to continue. However, within each zone, a general similarity in building heights should be encouraged in order to help establish a sense of visual continuity. In addition, building heights should be configured such that a comfortable human scale is established along the edges of properties. In addition, building heights should be configured to provide views to the river and other significant landmarks while allowing the appropriate density for an area.

(1) The maximum building height shall be as defined in Table 674-2.

- A. Solar access standards 35-673 (a), and massing standards 35-674 (b) also will affect building heights.

| Description | RIO-1 | RIO-2 | RIO-3 | RIO-4 | RIO-5 | RIO-6 |
|------------------------|--------|---------|-------|--------|--------|--------|
| Maximum # of Stories | 5 | 10 | | 7 | 5 | 4 |
| Maximum Height in Feet | 60 ft. | 120 ft. | | 84 ft. | 60 ft. | 50 ft. |

Table 674-2

(2) On the street-side, the building façade shall appear similar in height to those of other buildings found traditionally in the area.

- A. If 50% of the building facades within a block face are predominantly lower than the maximum height allowed, the new building façade on the street-side shall align with the average height of those lower buildings within the block face, or with a particular building that falls within the 50% range.

35-674(c) continued

However, the remainder of the building may obtain its maximum height by stepping back fifteen (15) feet from the building face.

- (3) **Designation of a development node provides for the ability to increase the building height by 50 percent from the requirements set out in Article 6.**

(Ord. No. 95352 § 3 Attachment 2)

(d) **Materials and Finishes in RIO-3**

Masonry materials are well established as primary features along the river corridor and their use should be continued. Stucco that is detailed to provide a texture and pattern, which conveys a human scale, is also part of the tradition. In general, materials and finishes that provide a sense of human scale, reduce the perceived mass of a building and appear to blend with the natural setting of the river should be used, especially on major structures.

- (1) **Use indigenous materials and traditional building materials for primary wall surfaces. A minimum of 75% of walls visible from the public way (excluding window fenestrations) shall be composed of the following:**

- A. Modular masonry materials including brick, stone, and rusticated masonry block, tile, terra-cotta and cast stone.
- B. Other new materials such as EIFS that convey the texture, scale, and finish similar to modular masonry materials.
- C. Stucco and painted concrete when detailed to express visual interest and convey a sense of scale.
- D. Painted or stained wood in a lap or shingle pattern.

- (2) **The following materials are not permitted as primary building materials and may be used as a secondary material only:**

- A. Large expanses of high gloss or shiny metal panels.
- B. Mirror glass panels.

- (3) **Paint or Finish Colors.**

- A. Use natural colors of indigenous building materials in the areas that directly face the river.
- B. Use matte finishes instead of high glossy finishes on wall surfaces. Wood trim and metal trim may be painted with gloss enamel.
- C. Bright colors may highlight entrances or architectural features.

(Ord. No. 95352 § 3 Attachment 2)

(e) Façade Composition in RIO-3

Traditionally, many commercial and multi-family buildings in the core of San Antonio have had façade designs that are organized into three distinct segments: First, a “base” exists, which establishes a scale at the street level; second a “mid-section”, or shaft is used, which may include several floors. Finally a “cap” finishes the composition. The cap may take the form of an ornamental roof form or decorative molding and may also include the top floors of the building. This organization helps to give a sense of scale to a building and its use should be encouraged.

In contrast, the traditional treatment of facades along the riverside has been more modest. This treatment is largely a result of the fact that the riverside was a utilitarian edge and was not oriented to the public. Today, even though orienting buildings to the river is a high priority objective, it is appropriate that these river-oriented facades be simpler in character than those facing the street.

- (1) The street façade of buildings should be composed to include a base, a middle and a cap.**
- (2) The riverside façade of a building shall have simpler detailing and composition than the street façade.**
 - A. Architectural details such as cornices, sills, lintels, door surrounds, water tables and other similar details should use simple curves and handcrafted detailing.
 - B. Stone detailing shall be rough hewn, and chiseled faced. Smooth faced stone is not permitted as the primary building material, but can be used as accent pieces.
 - C. Facades on the riverside shall be asymmetrical, pedestrian scale, and give the appearance of the back of a building. That is, in traditional building along the river, the backs of building were designed with simpler details, and appear less formal than the street facades.

(Ord. No. 95352 § 3 Attachment 2)

(f) Staircases in RIO-3

- (1) Staircases to the river level shall be uniquely designed.**
 - A. Stairs shall not replicate other stairs in a single project.
 - B. Stairs shall be constructed of handcrafted materials. The applicant shall use traditional building materials found in RIO-3 staircases, especially those used by Hugman.
 - C. Stairs shall not exceed 10'-0" in width.

35-674(f) continued

(Ord. No. 95352 § 3 Attachment 2)

(g) Awnings, Canopies and Arcades

The tradition of sheltering sidewalks with awnings, canopies and arcades on commercial and multi-family buildings is well established in San Antonio and is a practice that should be continued. They offer shade from the hot summer sun and shelter from rainstorms, thereby facilitating pedestrian activity. They also establish a sense of scale for a building, especially at the ground level. (see Figure 674-2)

(1) If awnings, arcades and canopies are to be used they should accentuate the character-defining features of a building.

- A. The awning or canopy shall be located in relationship to the openings of a building. That is, if there are a series of awnings or canopies, they shall be located at the window or door openings. However awnings, canopies and arcades may extend the length of building to provide shade at the first floor for the pedestrian.
- B. Awnings, arcades and canopies shall be mounted to highlight architectural features such as moldings that may be found above the storefront.

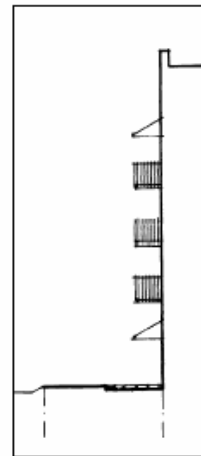


Figure 674-2

- C. They should match the shape of the opening.
- D. Simple shed shapes are appropriate for rectangular openings.
- E. Odd shapes and bubble awnings are prohibited except where the shape of an opening requires a bubble awning, or historic precedent shows they have been previously used on the building.
- F. Canopies, awnings and arcades should not conflict with the building's proportions or with the shape of the openings that the awning or canopy covers.

35-674(g) continued

(2) Materials.

- A. Awnings and canopies may be constructed of metal, wood or fabric. Certain vinyl is allowed if it has the appearance of natural fiber as approved by the HDRC.

(3) Incorporating lighting into the design of a canopy is appropriate.

- A. Lights that illuminate the pedestrian way beneath the awning are appropriate.
- B. Lights that illuminate the storefront are appropriate.
- C. Internally illuminated awnings that glow are prohibited.

(Ord. No. 95352 § 3 Attachment 2)

35-675 Reserved

(Ord. No. 95352 § 3 Attachment 2)

35-676 Alteration, Restoration and Rehabilitation in RIO-3

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure located in RIO-3, the Historic and Design Review Commission shall be guided by the National Park Service Guidelines in addition to any specific design guidelines included in this subdivision.

- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
- (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance are prohibited.
- (d) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, object, or site, shall be kept where possible.

35-676(e) continued

- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building's materials shall not be permitted.
- (h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (j) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

(Ord. No. 95352 § 3 Attachment 2)

35-677 Ordinary Repair and Maintenance in RIO-3

Those activities in RIO-3 which constitute ordinary repair and maintenance include but are not restricted to:

- A. Repair using the same material and design as the original;
- B. Repainting, using the same color;
- C. Re-roofing, using the same type and color of material; and
- D. Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

(Ord. No. 95352 § 3 Attachment 2)

35-678 Signs and Billboards**(a) General provisions**

- (1) All signage shall be subject to approval of the Historic and Design Review Commission.**

All signage within RIO-1, RIO-2, RIO-3, RIO-4, RIO-5, and RIO-6 shall conform to all City Codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate application and recommendation to the Director of Planning. Signs should respect and respond to the River Improvement Overlay District character in which it is constructed.

- (2) All signage on property abutting the River shall conform in particular to Section 35-678 (p).**

All signage on the riverside of property abutting the river shall conform to all City Codes, but in particular shall conform to Section 35-678 subsection (p) below. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate application and recommendation to the Director of Planning. Signs should respect and respond to the River Improvement Overlay Districts character and the Historic River Walk, generally defined as those areas included in the Robert H. Hugman drawings, in particular.

(Ord. No. 95352 § 3 Attachment 2)

(b) Proportion of signs

For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings. The building facade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition.

(Ord. No. 95352 § 3 Attachment 2)

(c) Number and size of signs

- (1) Buildings housing one business**

For buildings housing one business or service, one (1) major sign per facade per structure and two (2) minor signs shall be permitted in River Improvement Overlay Districts.

- (2) Buildings housing more than one business**

For buildings housing more than one business or service, the building owner shall develop a master signage plan or signage guidelines for the total building or property. The Historic and Design Review Commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet.

35-678(c) continued

(3) Square Footage of Signs

For buildings located in the River Improvement Overlay Districts, the total area of signage shall not exceed thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet per facade. However, in cases where the applicant clearly demonstrates need for additional signage, the Historic and Design Review Commission, keeping in mind the facade's proportions, may approve additional signage.

(4) Number of Signs

The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage per facade per structure. In buildings housing more than one business, the Historic and Design Review Commission may recommend directory signage. In the cases of signs with more than one sign face, including but not restricted to double-faced signs, back-to-back signs, overhanging signs, and projecting signs, each side of the sign shall be included in total allowable signage area.

(5) Height of Signs

The top of any sign shall not be higher than twenty feet (20') above the ground below it. Exceptions may be granted if natural or man-made features would obstruct the view of the sign or the sign cannot be seen by those intended to see it.

(6) Building Identification Signs

Two building identification signs may be placed on a building with multiple tenants, if the building name is not the same as the business(s) housed within. This type of sign is to identify a building as a destination. Building identification signs may not exceed thirty-five (35) square feet per façade. Building identification signs located above the eighth floor may exceed the size standard by three (times). Building identification signs located above the twelfth floor may exceed the size standard by four (times). The HDRC may recommend approval of larger building identification signs located at the tops of building over fifteen stories, taking into consideration the placement of the sign and the impact on the pedestrians at street level.

(Ord. No. 95352 § 3 Attachment 2)

(d) Standards for sign design and placement

In considering whether to recommend approval or disapproval of an application for a permit to construct or alter signage on a building, object, site, or structure in a River Improvement Overlay District, the Historic and Design Review Commission shall be guided by the following standards in addition to any specific design guidelines included within division 35-678.

(1) Primary sign design considerations shall be identification and legibility

Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall character of the district and structure. Sign materials shall be compatible with that of the building façade. Highly reflective materials that will be difficult to read are not permitted.

35-678(d) continued

(2) Signs, visual displays or graphics shall advertise only the business on the premises

(3) Directory Signs

Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap access" signs, as well as government signs, shall be reviewed by the Historic and Design Review Commission but shall not be included in total allowable signage area. Emergency signs shall be exempt from Historic and Design Review Commission approval.

(4) Graphic elements shall reinforce the architectural integrity of the building

All graphic elements shall reinforce the architectural integrity of any building. Signs should not disfigure, damage, mar, alter, or conceal architectural features or details and should be limited to sizes that are in scale with the architecture and the streetscape. Emblems and symbols of identification used as principal structural or architectural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved by the Historic and Design Review Commission. The Historic and Design Review Commission shall be guided by the building's proportion and scale when such elements are incorporated.

(5) Illumination

Graphics and signage may be illuminated by indirect, internal, or bare-bulb sources, providing that glare is not produced; by indirect light sources concealed by a hood or diffuser; by internal illumination with standard opal glass or other translucent material or with an equal or smaller light transmission factor. All illumination shall be steady and stationary. Neon lighting shall be permitted when used as an integral architectural element or artwork appropriate to the site. For purposes of this subsection, "Glare" shall mean an illumination level of at least six (6) Lux at the property boundary. If internal illumination is used, it should be designed to be subordinate to the overall building composition.

(6) Signs shall be maintained in good repair

All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be kept free of all sign materials, weeds, debris, trash, and other refuse. In addition, the sign owner shall comply with the provisions of this article as well as all other pertinent City Code and ordinances.

(7) Non-conforming Status

Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status.

(Ord. No. 95352 § 3 Attachment 2)

(e) Prohibited signs

The following signs are prohibited:

Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within River Improvement Overlay Districts. Other signs that shall not be permitted within these districts include:

- A. Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;
- B. Any sign which advertises commercial off-premises businesses, products, activities, services, or events;
- C. Any sign which does not identify a business or service within the River Improvement Overlay District;
- D. Any sign which is abandoned for more than six (6) months or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- E. Any attachment to an already affixed sign which does not meet the provisions of the City Code;
- F. Roof mounted signs, except in the cases of landmark signs or unless approved by the Historic and Design Review Commission in accordance with standards set forth in subsection (b) of this section.
- G. Pole signs, as defined in Chapter 28 of the City Code.

(Ord. No. 95352 § 3 Attachment 2)

(f) Incidental signs

Allowable incidental signs, including sign designating business hours and street numbers, shall conform to standards outlined in this article and shall not be included in the total allowable per facade per structure.

(Ord. No. 95352 § 3 Attachment 2)

(g) Menu boards

Menu boards shall not exceed 360 square inches. Permanently displayed menus may be properly installed inside the business' window or in a Historic and Design Review Commission approved wall-mounted or freestanding display case adjacent to the business entrance.

(Ord. No. 95352 § 3 Attachment 2)

(h) Special Purpose Signs

All special purpose signs shall be approved by the Historic Preservation Officer and shall be removed within thirty (30) days from the date of the HPO approval unless otherwise specified by the Historic and Design Review Commission. If within the specified period the property owner feels there is a continued need for the special purpose sign, promotional sign or temporary sign,

he or his representative shall schedule a hearing with the Historic and Design Review Commission to request additional display time.

(Ord. No. 95352 § 3 Attachment 2)

(i) Construction Signs

One (1) construction sign, not to exceed thirty-two (32) square feet in area, shall be allowed per construction site.

(Ord. No. 95352 § 3 Attachment 2)

(j) Nongovernmental Banners, Pennants and Flags

Excluding flags included as elements of an overall streetscape or design plan, non-governmental banners, pennants and flags are considered special purpose signs under the provisions of this article and are appropriate for decoration only during special events or celebrations as approved by the Historic Preservation Officer. Banners may only have sponsor advertising on one third of the total number of banners, and the sponsor advertising shall not exceed one quarter of the size of the banner.

(Ord. No. 95352 § 3 Attachment 2)

(k) Promotional Signs

Promotional signs not exceeding six (6) square feet advertising special events or promotions may be properly placed only on the inside of windows; such signs shall be removed promptly after an event is over.

(Ord. No. 95352 § 3 Attachment 2)

(l) Noncommercial Speech Signs

Noncommercial speech signs including but not limited to public service announcements may be erected in River Improvement Overlay Districts following approval by the Historic and Design Review Commission provided all regulations in this article are met.

(Ord. No. 95352 § 3 Attachment 2)

(m) Real Estate Signs

Residential real estate signs less than six (6) square feet in area and commercial real estate signs less than twenty (20) feet in area do not require Historic and Design Review Commission approval.

(Ord. No. 95352 § 3 Attachment 2)

(n) Temporary Signs

Temporary signs shall be subject only to the provisions of Chapter 28 of the City Code.

(Ord. No. 95352 § 3 Attachment 2)

(o) Installation

Commercial signs, posters, decals or advertisements may not be tacked, nailed, pasted, or taped to any portion of a building, object, site or structure visible from the public right-of-way.

(Ord. No. 95352 § 3 Attachment 2)

(p) Signs on the Riverside of Properties Abutting the River

This section governs all exterior signs on the riverside of public and private property abutting the San Antonio River and its extensions, and all interior signs hung within ten feet (10') of an exterior fenestration, intended to be read by exterior patrons on the riverside of a building.

(1) Character of Signs

Signs should respect and respond to the character of the Historic River Walk area. The display of signs and other graphics on the riverside of property abutting the River shall not be permitted except as provided for in this article. This prohibition specifically includes billboards, banners, menus, except as indicated in subsection (2)(F) below and other signs of a miscellaneous character.

(2) Standards for Signage

- A. Proportion. For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.
- B. Size. The maximum allowable size for any sign on the riverside of property abutting the publicly owned river walk and visible from the River Walk shall be eight (8) square feet. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet.
- C. Roof top/parapet signs. No signs shall be displayed from the parapet or roof of any building.

35-678(p) continued

- D. Signs for River Walk business only. No sign, visual display, or graphic shall be placed in the River Walk area advertises a bona fide business conducted in, or on premises adjacent to the River Walk. Only those businesses that have an entrance directly onto the River Walk may display a sign or graphic.
- E. Number of signs. Only one identification sign shall be allowed for each store, shop, restaurant, nightclub, or place of business in the River Walk area and fronting on the River Walk. In addition to a sign, establishments serving food or beverages may erect a menu board, which shall be used only for displaying menus.
- F. Illumination. Internally illuminated signs are prohibited. The light source for exterior illumination shall be steady light concealed by a hood or other acceptable method of indirect lighting. Flashing lights and exposed neon lights are prohibited.
- G. Materials. Signs may be constructed of wood, metal, glass. Lettering may be painted, stamped, etched, carved, applied metal or wood. Vinyl lettering is prohibited.
- H. Menu boards. There may be no more than one menu board per establishment. To be eligible to display a menu board, an establishment must derive seventy-five (75) percent or more of its gross revenue from the sale of food or beverages. Overall maximum size for a menu board is three hundred sixty (360) square inches. The name of the restaurant/nightclub may not be displayed on the menu board if business has another sign installed on premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.
- I. Signage on umbrellas or street furniture. Advertising brand name products may not be placed on umbrellas, tables, chairs or other street furniture that are located on outdoor patio areas. Nor may logos or wording of any kind be placed on umbrellas.
- J. Directory signage. Buildings with several businesses may be permitted to install directory signage in lieu of individual signs. Directory signage may not exceed 18" x 24".
- K. Revolving signs, flashing lights, search lights and attention-getting devices, including, but not limited to, banners, festoons, paper and vinyl rope-like-banners are not permitted.
- L. Pole Signs. Blade sign hung from poles are allowed on the riverside of properties abutting the publicly owned river right of way as long as the pole height does not exceed seven (7) feet and the pole diameter does not exceed three (3) inches.
- M. Temporary signage. Temporary signage may be permitted with prior approval of the Historic Preservation Officer. Temporary is understood to mean less than thirty (30) days and shall apply to real estate signage,
- N.

35-678(p) continued

construction signage, and special signage in lieu of permanent signage. Permanent signage shall meet all stipulations, as applicable, of this article.

- O. Real estate signage. Real estate signs shall meet the following standards:
- Maximum size shall be four (4) square feet.
 - Only one sign will be permitted for each building for sale or lease that is adjacent to the River Walk. The sign is permitted to remain only while that particular building is for sale or the lease space is available.
 - Certificates will not be required for real estate signage that follows the above guidelines. However, a permit from the department of development services is still required. Any variations from these standards must follow the procedures set forth in this article.
- P. Construction signs. Construction signs shall be a maximum of eight (8) square feet. The Historic Preservation Officer will permit only one sign per construction project. The sign will be permitted to remain in place for the duration of the building permit.
- Q. Signs on barges. The Director of Parks and Recreations will issue permits for one approved symbol, logo, or sign to be temporarily placed on chartered barges for special events. The sign shall not exceed eight (8) square feet.

(3) Prohibited Signs.

No billboards, junior billboards, portable signs, sandwich boards and advertising benches shall be allowed on the riverside of buildings abutting the river. Any sign, visual display, or graphic which is located in the River Walk area and which is visible from the publicly owned portion of the San Antonio River channel or adjacent walkways must meet the requirements for signs, visual displays, and graphics as set out in this division. No sign, visual display or graphic shall be allowed in the River Walk area unless it is advertising or giving information concerning a business or activity that is located on the same lot as the sign, visual display or graphic.

(Ord. No. 95352 § 3 Attachment 2)

(q) Violations in River Improvement Overlay Districts and on the River Walk

In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the department of Development Services shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the Department of Development Services may file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the City Attorney from seeking civil remedies.

(Ord. No. 95352 § 3 Attachment 2; Ord. No. 98697 § 4)

35-679 Other Requirements and Regulations**(a) Garbage or Trash Storage**

No collections, or storage for refuse, debris or garbage produced by any residence, business or industry in the River Improvement Overlay District or elsewhere shall be allowed in a River Improvement Overlay District when such collections or storage is visible from the publicly owned river walk. No hanging of laundry, cleaning rags, mops, or similar items shall be allowed within view of the river walk.

(Ord. No. 95352 § 3 Attachment 2)

(b) Portable Carts

Portable vending carts may be located on leased public property or private property on the River Walk with approval from the Historic and Design Review Commission. Applications for a certificate of appropriateness must include details regarding type of cart, items to be sold, method of controlling litter, location, and other pertinent information.

(Ord. No. 95352 § 3 Attachment 2)

(c) Boats, Barges and Water Taxis

Any and all private boats, barges, and water taxis allowed to operate on the San Antonio River on a permanent basis will require a certificate of appropriateness from the Historic and Design Review Commission. Details regarding the size and design, type of power sources, and other pertinent information shall be presented to the Historic and Design Review Commission for their review.

(Ord. No. 95352 § 3 Attachment 2)

(d) Monuments, Markers and Memorials

Monuments, markers or memorial plaques are not permitted on the riverside of property abutting the river, or within the publicly owned right of way without the express written consent of the Historic and Design Review Commission. The following standards shall apply:

- A. Texas Historical markers are permitted, but must be mounted to walls or structures. Pole mounted THC markers are not permitted in RIO-3.
- B. Monuments and memorial plaques must commemorate an event or person significant to the River Walk or the history of the River Walk. To assure that the significance of an event or person has withstood the test of time, memorial plaques may only commemorate an event 10 years or older and a person 10 years or more posthumously.
- C. Memorial gifts, such as benches, fountains or art, etc. may from time to time be accepted as gifts by the City, plaques acknowledging the gift, shall be bronze and no larger than ten inches by four inches (10" x 4"). Memorial plaques for a gift of a tree or other plantings are not permitted.

35-679(d) continued

- D. Placement of monuments, memorials and markers will be under the jurisdiction of the Director of Parks and Recreation, rather than the Director of Planning, after consultation with the Historic and Design Review Commission.

(Ord. No. 95352 § 3 Attachment 2)

(e) Solicitation

Unless specifically allowed by lease with the City of San Antonio, it shall be unlawful to: solicit alms and donations; distribute commercial and business advertising matter; and hawk, sell, or vend merchandise on public property or on the public right-of-way of the River Walk area, or outdoors on private property that is at River level and is within view of the River Walk public right-of-way.

(Ord. No. 95352 § 3 Attachment 2)

35-680 Demolition of Historic Features in the River Walk Overlay Districts

Demolition of architectural features, artwork, furniture, and other items shown on the Robert Hugman plans as well as other historic River Walk construction dating back to Spanish Colonial times and including works by the WPA, the CCC and the National Youth Administration constitutes an irreplaceable loss to the quality, character, ambiance and atmosphere of the San Antonio River Walk in the River Improvement Overlay Districts. Accordingly, these procedures provide criteria to prevent unnecessary damage to the unique character of the City's River Walk areas and character.

(Ord. No. 95352 § 3 Attachment 2)

(a) Applicability

The provisions of this section apply to any application for demolition of important architectural features on or immediately adjacent to the River and or the River Walk in the River Improvement Overlay Districts.

Items shown on the Robert Hugman Plans for the River Walk in RIO-3.

No certificate shall be issued for demolition of any items shown on the Robert Hugman Plans for the River Walk in RIO-3. This prohibition against demolition of Hugman features includes but is not limited to staircases, walkways, furniture, bridges, tile and other artwork, light fixtures, handrail ornaments, boat landings, fountains, waterways, water features, retaining walls and the overall landscaping plan for placement of planting beds. This prohibition shall also apply to earlier, hand-built river retention walls found in RIO-3 as identified in the City records and commonly known as the Tobin walls and the Stucci walls. However, appropriate penetrations of these historic retention walls will be permitted subject to Commission approval.

Heritage Trees

35-680(a) continued

Removal or damage to heritage trees such as large Cypress trees and other, old significant trees at top of bank or along the River Walk is prohibited in all River Improvement Overlay Districts. Except where the tree is damaged due to disease, age or physical condition and must be removed for the safety reasons. Then with a recommendation from the City arborist, or the official urban forester, the Historic and Design Review Commission may grant approval for demolition.

Other Items of Historic or Archaeological Interest

No certificate shall be issued for demolition of such historic and archaeological features dating from Spanish Colonial times including but not limited to acequias, dams, aqueducts, old mills, railways, and other River related features or similar items.

(Ord. No. 95352 § 3 Attachment 2)

(b) Unusual and compelling circumstances for demolition of the above

The Historic and Design Review Commission may consider unusual and compelling circumstances in order to approve a certificate of appropriateness for the demolition or removal of the items listed in Section 35-680. It shall be guided in its decision by balancing the contribution of the object, site or structure to the character of the River Improvement Overlay Districts with the special merit of the proposed replacement project.

The Historic and Design Review Commission, using criteria set forth in this article, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- A. The historic or architectural significance of the object, site, or structure;
- B. The importance of the object, site, or structure to the integrity and character of the River Improvement Overlay District;
- C. The difficulty or the impossibility of reproducing such an object, site, or structure because of its design, texture, material, detail, or unique location;
- D. Whether the object, site, or structure is one of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;
- E. Whether reasonable measures can be taken to save the object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect.

(Ord. No. 95352 § 3 Attachment 2)

(c) Penalties

Penalties for demolition of architectural features, artwork, furniture and other items discussed in this section shall be the same as those listed in Section 35-491(c)(3) & (4).

(Ord. No. 95352 § 3 Attachment 2)